Also, a bill (H. R. 6501) granting a pension to George A. Ryan; to the Committee on Pensions.

Also, a bill (H. R. 6502) granting an increase of pension to Robert F. Thorn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6503) granting an increase of pension to William Duffus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6504) granting an increase of pension to Peter Dowdle; to the Committee on Invalid Pensions.

By Mr. COOPER: A bill (H. R. 6505) granting an increase of pension to Thomas Hayes; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 6506) for the relief of James T. McKenney; to the Committee on Claims.

By Mr. DALE: A bill (H. R. 6507) granting a pension to Mary McBride; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 6508) for the relief of Joseph B. Riley, alias Thomas B. Keesy; to the Committee on Military Affairs.

By Mr. FARR: A bill (H. R. 6509) granting an increase of pension to Walter S. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6510) granting an increase of pension to Sylvester Knapp; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 6511) granting an increase of pension to John W. Scott; to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 6512) granting a pension to Alicia J. Flynn; to the Committee on Invalid Pensions.

By Mr. HOWELL: A bill (H. R. 6513) granting an increase of pension to Zylpha Raymond; to the Committee on Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 6514) granting an increase of pension to James Herman; to the Committee on Invalid Pensions.

By Mr. KIRKPATRICK: A bill (H. R. 6515) for the relief of John Farrell; to the Committee on Military Affairs.

By Mr. LEE of Pennsylvania: A bill (H. R. 6516) granting an increase of pension to Sarah A. Dugan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6517) granting an increase of pension to Regina Allison; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 6518) granting an increase of pension to Calvin C. Hussey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6519) granting an increase of pension to Adeline M. Hannaford; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 6520) to correct pension certificate No. 678122, issued by the Commissioner of Pensions on the 1st day of April, A. D. 1909, to Margaret Barron, as guardian of Mary W. Barron, a minor child of Mahlon Barron, deceased, late of Company I, One hundred and fifty-seventh Regiment New York Volunteer Infantry, entitling said minor child to a pension under the act of June 27, A. D. 1890, until it attained the age of 16 years, beginning on the 17th day of August, A. D. 1908, so as to entitle the said child to such pension beginning on the 22d day of July, A. D. 1907; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 6521) granting an increase of pension to Alonzo Dyke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6522) granting an increase of pension to W. H. Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6523) granting an increase of pension to Catherine Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6524) granting an increase of pension to Henry Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6525) to reimburse Martha A. Walker for the loss of certain property; to the Committee on War Claims.

By Mr. RAUCH: A bill (H. R. 6526) granting a pension to Robert A. Talbott; to the Committee on Pensions.

Also, a bill (H. R. 6527) granting an increase of pension to Robert Layman; to the Committee on Pensions.

By Mr. REILLY of Connecticut: A bill (H. R. 6528) granting an increase of pension to Polly Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6529) granting an increase of pension to Nellie C. Downs; to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 6530) for the relief of Michael F. O'Hare; to the Committee on Claims.

Also, a bill (H. R. 6531) for the relief of Paul Butler; to the Committee on Claims.

By Mr. SHARP: A bill (H. R. 6532) granting a pension to Susan E. Nash; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 6533) granting a pension to Emma Ewing; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARCHFELD: Petition of stockholding employees of the United States Steel Corporation and subsidiary companies, protesting against the passage of legislation for the dissolution of the United States Steel Co.; to the Committee on the Judiciary.

By Mr. BEALL of Texas: Petition of the Texas Bankers' Association, Galveston, Tex., favoring the passage of the Newlands bill for the Government to control the waters of the Mississippi River and its tributaries; to the Committee on Rivers and Harbors.

By Mr. BYRNS of Tennessee: Papers to accompany bill for the relief of the estate of Robert Dinkins; to the Committee on War Claims.

By Mr. DYER: Petition of the Stinwinder Wine Co. and the Missouri Wholesale Liquor Dealers' Association, of St. Louis, Mo., protesting against the passage of the sweet-wine bill; to the Committee on Ways and Means.

By Mr. HAWLEY: Petition of the First National Bank of Corvallis, Oreg., relative to certain changes in the monetary system; to the Committee on Banking and Currency.

By Mr. HINDS: Petition of J. and C. Gray, P. E. Priest, and W. H. Soper, committee of the business men of Colon, Me., favoring a duty on paper and asking for the repeal of that part of the Canadian reciprocity act which admits paper free of duty; to the Committee on Ways and Means.

By Mr. KEISTER. Petitions of 146 stockholding employees of the Buckeye Mine, 262 of the Southwest No. 3 Mine, 101 of the Central Mine, 386 of Baggaley Mine, 295 of the Hecla No. 2 Mine, 261 of the Alverton Mine, 175 of the Dorothy Mine, 660 of the Standard Mine, 190 of the Scotdale Mine, 304 of the United Mine, 302 of the Southwest No. 1 Mine, 277 of the Marguerite Mine, 251 of the Calumet Mine, 253 of the Brinkerton Mine, 88 of the Mammoth Mine, 112 of the Mutual Mine, 448 of the Hecla Nos. 1 and 3 Mines, 53 of the Southwest No. 2 Mine, all of the H. C. Frick Coke Co.; 365 of the Whitney Mine and 344 of the Hostetter Mine, of the Hostetter-Connellsville Coke Co., protesting against a dissolution of the United States Steel Corporation; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of the board of governors of the Commercial Club of Salt Lake City, favoring providing adequate quarters for our foreign representatives; to the Committee on Foreign Affairs.

By Mr. LEVY: Petition of sundry citizens of Turlock, Cal., protesting against the passage of any legislation for the diversion of the waters of the watershed of the Tuolumne River; to the Committee on Irrigation of Arid Lands.

Also, petition of D. Boosing, Buffalo, N. Y., favoring the passage of a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. MANN: Petition of Charles D. Boyles, vice president of the Hoboken Shore Road, Hoboken, N. J., favoring the passage of House bill 1723, for the purpose of improving the Consular Service; to the Committee on Foreign Affairs.

By Mr. SMITH of Idaho: Petition of the city council of Boise City, Idaho, favoring the passage of legislation granting to Boise City the Boise Barracks for park and other benevolent purposes; to the Committee on Military Affairs.

By Mr. WILLIS: Petition of the National Eclectic Medical Association, protesting against the establishment of a national department of health; to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *June 27, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. STONE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 1966. An act to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909;

H. R. 6282. An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon

all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes;

H. J. Res. 103. Joint resolution appropriating $4,000 to defray traveling expenses of soldiers of the Civil War, now residing in the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return; and

H. J. Res. 98. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Brunswick, Ga., in July, 1913.

PETITIONS.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the establishment on the Pacific coast of an agency of the Bureau of Foreign and Domestic Commerce, Department of Commerce, which was referred to the Committee on Commerce.

Mr. LA FOLLETTE. I present a joint resolution of the Legislature of Wisconsin, which I ask may be printed in the RECORD, and referred to the Committee on Banking and Currency.

There being no objection, the joint resolution was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

Joint resolution memorializing Congress to amend section 5219 of the Revised Statutes of the United States, relating to the taxation by the several States of shares of stock in national banking associations.

Whereas under the provisions of the national banking act the several States are permitted to include all the shares in any national banking association in the valuation of the personal property of the owner or holder of such shares in assessing taxes imposed by the authority of the State within which the association is located; and

Whereas it is the policy of this State to substitute for the system of direct personal property taxation upon intangible property a system of income taxation; and

Whereas it is but just and right that all corporations engaged in banking should be assessed in the same manner and at the same rate as domestic corporations whose income is derived from intangible property and moneyed capital: Therefore be it

Resolved by the assembly (the senate concurring), That we respectfully memorialize the Congress of the United States so to amend the national banking act as to permit those States in which a system of income taxation shall have been substituted in whole or in part for direct personal-property taxation upon intangible property to assess and tax the income of national banking associations in the same manner and at the same rate as shall be provided in respect to the income of domestic corporations derived from intangible property or moneyed capital: Be it further

Resolved, That a copy of the foregoing be immediately transmitted by the secretary of state to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives, and to each of the Senators and Representatives of this State.

MERLIN HULL,
Speaker of the Assembly.
H. C. MARTIN,
President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STERLING:

A bill (S. 2651) providing for the purchase and disposal of certain lands containing kaolin, kaolinite, fuller's earth, and other minerals within portions of Indian reservations heretofore opened to settlement and entry; to the Committee on Public Lands.

By Mr. BRISTOW:

A bill (S. 2652) granting a pension to Mary A. Pierce; to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 2653) for the relief of the Medawakanton and Wahpakoota Bands of Sioux Indians, otherwise known as the Santee Sioux Indians; to the Committee on Indian Affairs.

A bill (S. 2654) granting an increase of pension to Louisa Graham; and

A bill (S. 2655) granting an increase of pension to Louise Compton; to the Committee on Pensions.

INDIAN APPROPRIATION BILL.

Mr. STONE. Mr. President, I present the conference report on House bill 1917, the Indian appropriation bill.

The VICE PRESIDENT. The Secretary will read the report.

Mr. GALLINGER. The report has already been read in full. I ask unanimous consent that it be not read again.

The VICE PRESIDENT. The reading will be dispensed with, if there be no objection.

Mr. STONE. Mr. President, I was going to ask that the reading of the report be dispensed with, for the reason that it was printed this morning in the RECORD of the House proceedings, and for the further reason that a printed copy of the report has been laid on the desk of each Member of the Senate. However, I wish to make a very brief statement, that it may appear in the RECORD. On yesterday I presented this report, and found after the error of a stenographer who had written it up one of the amendments had been omitted, and I asked to withdraw it that the correction might be made. I again presented it, and on being interrogated by the Senator from New Mexico [Mr. FALL] I stated that another error in the report had been discovered, and I withdrew it the second time. That was my mistake. The item about which the Senator from New Mexico inquired, as a matter of fact, was already incorporated.

I desire, in justice to the clerks of the Senate committee, to say that the mistake at that time was my own entirely. I will take this occasion to say that I think those officials are among the most efficient in the service of the Senate.

Now, Mr. President, if there is nothing more to be said, I move that the report of the conference committee be agreed to.

Mr. GALLINGER. Mr. President, before the vote is taken on agreeing to the conference report, I wish simply to say that yesterday I interrogated the Senator from Missouri [Mr. STONE] as to whether or not any new matter had been inserted in the conference report. The Senator gave assurances that so far as he knew no new matter had been incorporated in the report. I have examined it with a good deal of care, Mr. President, and I find that while there are one or two inconsequential matters that might be questioned the report is not subject to any criticism on that point.

There is one other matter, Mr. President, I want to call attention to. When the bill was under consideration in the Senate a paragraph was in the House bill reading as follows.

Mr. LA FOLLETTE. On what page?

Mr. GALLINGER. On page 4:

For the suppression of the traffic in intoxicating liquors and peyote among Indians, $100,000.

The Senate committee recommended that the words "and peyote" be stricken out. I took occasion to inquire what peyote was, believing that very few Senators had any more knowledge on the subject than I had. The Senator from New Mexico [Mr. FALL] gave what he thought was a correct definition of the term, saying, in substance, that it was a medicinal plant that the Indians use for purposes of exhilaration if not intoxication. The explanation was satisfactory to me, but in the morning mail I received a letter from Frank W. Clancy, an old friend of mine, who was a Delegate from the Territory of New Mexico some years ago and who is now the attorney general of the State of New Mexico. Mr. Clancy, having noticed the inquiry I made, in this letter illuminates the subject, and I am going to ask consent to have it read for two purposes. First, for the purpose of informing all Senators as to precisely what this herb is; and, second, for the purpose of testing the well-known abilities of our accomplished reading clerk to correctly pronounce a good many words he will find in the letter. I ask unanimous consent that it be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the letter.

The Secretary read as follows:

STATE OF NEW MEXICO,
OFFICE OF THE ATTORNEY GENERAL,
Santa Fe, June 23, 1913.

Hon. J. H. GALLINGER,
United States Senate, Washington, D. C.

DEAR SIR: In recent dispatches I have noticed that on the floor of the Senate you asked for information as to what "peyote" is, and while the answer given is correct as far as it goes, it was not sufficient to give you a full idea of the character and uses of this plant. It is, of course, not a matter of great practical importance, but sometimes a man may take greater interest in such things than in those of more serious import and I can imagine that your professional experience might prompt you to a desire to have knowledge of such dangerous vegetable growths.

The word is not Spanish and I do not believe that it can be found in any standard Spanish dictionary. I have examined at least three without finding it. The only place where I have found anything about it is in the Diccionario de Aztequismos, a very remarkable work by Cecilio A. Robelo, of Cuernavaca. He gives it in two ways, "peyote" and "piote," the original word being "peyotl." He defines it as being a medicinal plant which has various and pleasing (or perplexing) uses, and says that some medical men consider it a substitute for cocaine.

In a note as to this word he says that Father Sahagún, speaking of certain herbs which are intoxicating, says, "There is another herb like prickly pears which is called peiotl, is white, and grows toward the northern portions; those who eat or drink it see visions terrifying or laughable; this drunkenness lasts two or three days and then stops; and it is a common food of the Chichimecas, as it nourishes them and gives courage to fight and takes away fear, thirst, and hunger; and they say it guards them against all danger." The author further says that Dr. Hernandez alone enumerates two kinds of peyote, that of Xochimilco and that of Zacatecas; but at the present time it has been found in many parts of the Republic. In their physiological effects they are quite different. Pharmacy has extracted from the peyote of Zacatecas (*Anhalonium lewinii*) as many as four alkaloids. The Indians of Tepic use it as a strengthening medicine. They rub themselves with the ground root along the joints (or articulations), and thus they are able to travel great distances without fatigue. It is also stated that the technical Latin names for this plant, evidently of several varieties of it, are *Anhalonium fissuratum, Anhalonium williamsi,*

Senecio callophyllus, Senecio cardiophyllus, Senecio petasitis, Senecio hartwegii, and *Cotyledon caespitosa.*

The effects of peyote are so serious that the Spanish authorities prohibited its use, as will appear by reference to one of the old Spanish archives which are now in the Library of Congress, which contains the record in eight folios of a prosecution against an Indian of Taos for having drunk the herb called peyote. The record of this proceeding covers 9 or 10 days, from February 3, 1720, to February 12, 1720, and is numbered 306 in an index which was made by Prof. Bandelier, but the arrangement and numbering in the Library of Congress are different. If you have any curiosity about it you can readily obtain a copy or translation, or both, from the Library. It is many years since I saw this document and I do not recall any of the details, but remember only that it was clearly a criminal offense for the Indians to make use of peyote.

Yours, very truly, FRANK W. CLANCY.

Mr. GALLINGER. Mr. President, I wish to express my gratification at the charming and satisfactory manner in which the reading clerk read that document.

I wish further to say, Mr. President, that had I received that letter before we agreed to strike out the words "and peyote" in the Indian appropriation bill I think I should have made a strenuous effort to have retained them. Manifestly it is a dangerous drug. It seems that it makes Indians "see visions," and we all know what people are liable to do when they see visions. But as the matter has progressed to the point of having a conference report submitted, and it is impossible to make any amendment to the bill, I will content myself by expressing gratification that it has been my privilege to give so much instruction to the Senate as to what peyote really is.

Mr. STONE. I should think, Mr. President, that anything so mysterious as that described in that letter ought to appear in some bill somewhere.

Mr. FALL. Mr. President, in view of the fact that my explanation of the ordinary use of peyote brought forth this learned paper from a gentleman for whom I have the very highest respect as a legal authority, I will say that if I had known that peyote had so many different names I might possibly have been more impressed with the subject myself.

Peyote, as it is called in our southwestern country, is a prickly pear. It is the bud of the prickly pear. I have never heard that it had any cocaine nor was it so claimed by the surgeons or physicians in the Indian Department who have investigated the matter, but it undoubtedly has some intoxicating effect. It is used in religious observances.

Mr. STONE. I renew my motion, Mr. President, that the conference report be agreed to.

Mr. GRONNA. Mr. President, I do not rise for the purpose of delaying action on the bill more than a single moment. I know that the chairman of the committee has been most patient in his work; I simply wish to express my disapproval of the language as it is expressed in the report in changing section No. 26——

Mr. LA FOLLETTE. On what page?

Mr. GRONNA. It is on page 89 of the bill.

Mr. STONE. Will the Senator advise me again to what amendment he refers,

Mr. GRONNA. I refer to section 26, the new section added by the Senate committee.

While I do not intend to delay the adoption of the report, I simply want to express my disapproval of the change of that amendment.

Mr. STERLING. Mr. President, I do not rise to oppose at all, or to obstruct in any way, the adoption of the report, but in view of my connection with an amendment introduced, which was adopted by the Senate and which was stricken out in the conference, I wish to call attention to some statements that have been made in the RECORD. I refer to the amendment providing for the payment of the claim of the heirs of John W. West.

I find, on referring to the RECORD of the 20th, during the course of some remarks by Congressman BURKE, of South Dakota, this colloquy:

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield?
Mr. BURKE of South Dakota. Yes.
Mr. STEPHENS of Texas. Is the gentleman aware that the John W. West claim, which has been defeated several times in this House, has been put on this bill?
Mr. BURKE of South Dakota. I understand that it is one of the amendments.

The Indian appropriation bill was then under discussion in the other House, and inquiry was being made as to certain amendments which had been adopted by the Senate. This is the colloquy with reference to this particular amendment.

Mr. President, the statement implied in the question and in the answer is altogether misleading, and, in order that no person may be misled in the future in the other House or in the Senate in case this amendment should ever again be introduced, I wish briefly to call attention to an abstract of the record in regard to this claim. Instead of this amendment as it appears here having been defeated several times in the other House, as might be inferred from this colloquy, this, in a few words, is the history of the claim in the other House and in the Senate: The bill has been many times before Congress. It was before Congress at every session from the Forty-eighth to the Fifty-fourth Congress, both inclusive. During the Fiftieth Congress the senior Senator from Minnesota [Mr. NELSON], then a Member of the House, introduced the bill and it was favorably reported by the committee, but no action was taken by the other House, no vote being reached.

In the Fifty-fourth Congress H. R. 4515 was reported from the committee unanimously and favorably by Mr. Little, of Arkansas.

As to the other bills introduced during these several Congresses, they were referred to committees, and there were no reports upon them. No other bills covering this matter were introduced until the Sixty-first Congress, and then there was the only adverse report ever made on this bill.

Why was that adverse report made? The bill was not considered on its merits at the time. The report shows that the evidence submitted at that time was incomplete and fragmentary. While there was then a subcommittee appointed to consider the bill, the subcommittee never made a report on the bill; at least, it never made any written report. If there was a report made, it was simply an oral report to the full committee.

A bill was introduced in the Sixty-second Congress, referred to a subcommittee, and received a unanimous report at the hands of that subcommittee and was favorably reported to the House. Another bill was introduced and favorably reported by a subcommittee in January, 1913, but the bill never reached a vote in the other House. It was then agreed that the matter should be referred to the Court of Claims. The agreement made at that time was a compromise agreement reached in the House committee, the bill having passed the Senate in the shape of an amendment to an appropriation bill.

It was not, however, referred to the Court of Claims. It came before the Senate in this Congress first in a bill introduced by myself; secondly, in an amendment to an appropriation bill submitted by the Senator from North Dakota [Mr. MCCUMBER], and then as an amendment finally proposed by myself to an appropriation bill.

What, then, has been its course in the Senate? It passed first in the Sixty-first Congress, once as a bill and again as an amendment to an appropriation bill. It passed the Senate twice in the Sixty-second Congress, and passed once again in the Senate in the Sixty-third Congress.

So it has been reported favorably not less than four times by a House committee and has passed the Senate five times.

I think this makes a complete answer to the statement that this bill has been several times defeated.

Now, Mr. President, I simply want to submit in connection with what I have said a short extract from the report of the House subcommittee that last passed upon this bill, that report having been made in January, 1913, and will ask to have it printed in connection with what I have said.

The VICE PRESIDENT. If there is no objection, that will be done.

The extract referred to is as follows:

This judgment or award, final and conclusive under the treaty and binding upon all parties, has never been paid. The doctrine of res adjudicata clearly applies to this award, whether considered from a judicial, executive, or legislative point of view. That doctrine amounts simply to this, that a cause of action once finally determined between the parties on the merits by a competent tribunal can not afterwards be litigated by a new proceeding either before the same or any other tribunal (100 Mass., 409); it is a general principle that a decision by a court of competent jurisdiction of matters put in issue by the pleadings is binding and conclusive upon all other courts of concurrent power and between the parties and their privies (168 U. S., 48); and it is a principle of public policy as well as a matter of private right (34 N. J. Eq., 535).

The rate of interest fixed in the bill, namely, 5 per cent per annum, is the same rate allowed the Cherokee Nation on its claims against the United States Government, arising in part out of the same treaty, by the Supreme Court of the United States in Cherokee Nation *v.* United States (202 U. S., 101), wherein the court allowed interest from the date the Government took the property of the Cherokee Nation.

The United States was a party to the treaty. It guaranteed fulfillment of the treaty provisions. The commission was appointed pursuant to the terms of the treaty. The award was regularly made. By the terms of the treaty it was a finality. The Government of the United States can not now shirk its responsibility, particularly as two Secretaries of the Interior—the officer of this Government whose duty it is to supervise such matters, and men whose legal ability and fairness all men must concede—examined into the award with care and approved it in all respects. The Government of the United States is in honor bound to see that this award is paid.

There has been no negligence on the part of the claimants in prosecuting their claim. They are not in fault. The delay in the payment of the award has been due to the failure of the House of Representatives to concur in legislation directing its payment, which has frequently come before it for action. On account of the long delay, for

which Congress alone is responsible, your committee urges action at this session in order that the beneficiaries—Cherokee Indians—who have already waited for justice at our hands for many years, may no longer be subjected to the injustice which they have so long endured.

A. W. RUCKER.
H. T. HELGESEN.
THOMAS F. KONOP.

The VICE PRESIDENT. The question is on agreeing to the report of the committee of conference.

The report was agreed to, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1917) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 8, 13, 14, 16, 17, 19, 20, 22, 23, 24, 26, 30, 31, 38, 40, 41, 45, 46, and 50.

That the House recede from its disagreements to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 9, 12, 15, 18, 27, 32, 34, 37, 39, 42, 43, 44, 47, 48, 49, 52, and 54, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"*Provided*, That hereafter upon the determination of the heirs of a deceased Indian by the Secretary of the Interior there shall be paid by such heirs or from the estate of such deceased Indian or deducted from the proceeds from the sale of the land of the deceased allottee or from any trust funds belonging to the estate of the decedent, the sum of $15, to cover the cost of determining the heirs to the estate of the said deceased allottee, which amount shall be accounted for and paid into the Treasury of the United States and a report made annually to Congress by the Secretary of the Interior on or before the first Monday in December of all moneys collected and deposited as herein directed."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 1 of the proposed amendment strike out the word "thorough"; and in lines 36 and 37 of the amendment strike out the words "at the second session of" and insert the word "during"; and in line 43 of the proposed amendment strike out "$50,000" and insert "$25,000"; and the Senate agree to the same.

Amendment numbered 11½: That the House recede from its disagreement to the amendment of the Senate numbered 11½, and agree to the same with an amendment as follows: In line 3 of the proposed amendment, after the word "completed," insert the word "separate"; and the Senate agree to the same.

Amendment numbered 11¾: That the House recede from its disagreement to the amendment of the Senate numbered 11¾, and agree to the same with an amendment as follows: In line 15 of page 4 of the proposed amendment, strike out the words "Sec. 2." at the beginning of the line, and in line 17 of page 4 of the proposed amendment strike out the words "Sec. 3." at the beginning of the line, and in line 1 of page 5 of the proposed amendment, strike out the words "Sec. 4." at the beginning of the line; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$325,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In line 1 of the proposed amendment strike out the words "the balance" and insert "$50,000"; and in lines 3, 4, and 5 of the proposed amendment strike out the words "or which shall hereafter be deposited to their credit, including the proceeds from the sale of surplus lands"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"SEC. 13. For support and education of 400 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, $68,600; for general repairs and improvements, $5,000; new buildings, $15,000; in all, $88,600."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "For support and education of 300 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $51,900; for general repairs and improvements, $6,000; for water supply, $1,600; for girls' dormitory, $18,000; in all, $77,500"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "For support and education of 200 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $35,200; for general repairs and improvements, $5,000; for addition to barn, $2,500; for dairy cows, $1,000; in all, $43,700"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In line 9 of the proposed amendment strike out the word "five" and insert "four" in lieu thereof; and in line 17 of the amendment strike out the period and insert a colon, and insert the following: "*Provided further*, That the Secretary of the Interior is hereby authorized in his discretion to grant to settlers a preference right to purchase for 90 days from and after notice, at the appraised price, exclusive of improvements, such lands as were occupied by such settlers in good faith on January 1, 1913"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the amendment of the Senate insert the following: "That the Secretary of the Interior is hereby authorized in his discretion to extend each of the deferred payments on the town lots of the north addition to the city of Lawton, Okla., one year from the date on which they become due under existing law: *Provided*, That no additional extension shall be granted: *And provided further*, That no title shall issue to any such purchaser until all deferred payments, interest, and taxes have been made as provided in the act of March 27, 1908 (35 Stat., p. 49), and the act of February 18, 1909 (35 Stat., p. 637)"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the proposed amendment of the Senate, insert the following: "A commission consisting of two members of the Senate Committee on Indian Affairs, to be appointed by the chairman of said committee, and two Members of the House of Representatives, to be appointed by the Speaker, is hereby created for the purpose of investigating the necessity and feasibility of establishing, equipping, and maintaining a tuberculosis sanitarium in New Mexico for the treatment of tuberculous Indians, and to also investigate the necessity and feasibility of procuring impounded waters for the Yakima Indian Reservation or the construction of an irrigation system upon said reservation, to impound the waters of the Yakima River, Washington, for the reclamation of the lands on said reservation and for the use and benefit of the Indians of said reservation. That said commission shall have full power to make the investigations herein provided for, and shall have authority to subpœna and compel the attendance of witnesses, administer oaths, take testimony, incur expenses, employ clerical help, and do and perform all acts necessary to make a thorough and complete investigation of the subjects herein mentioned, and that said commission shall report to Congress on or before January 1, 1914: *Provided*, That one-half of all necessary expenses incident to and in connection with the making of the investigation herein provided for, including traveling expenses of the members of the commission, shall be paid from the contingent fund of the House of Representatives and one-half from the contingent fund of the Senate on vouchers therefor signed by the chairman of the said commission, who shall be designated by the members of the said commission." And the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In line 3 of the proposed amendment insert the word "actually" after the word "land" and strike out "$400," in line 7 of the amendment, and insert "$250" in lieu thereof, so as to read as follows:

"That the Secretary of the Interior be, and he is hereby, authorized to purchase for the Skagit Tribe of Indians in the

State of Washington the tract of land actually used by them as a tribal burial ground, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $250, or so much thereof as may be necessary, to carry out this provision."

And the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"SEC. 26. On or before the 1st day of July, 1914, the Secretary of the Interior shall cause a system of bookkeeping to be installed in the Bureau of Indian Affairs, which will afford a ready analysis of expenditures by appropriations and allotments and by units of the service, showing for each class of work or activity carried on the expenditures for the operation of the service, for repairs and preservation of property, for new and additional property, salaries and wages of employees, and for other expenditures. Provision shall be made by the Secretary of the Interior for further analysis of each of the foregoing classes of expenditures if, in his judgment, he shall deem it advisable.

"Annually, after July 1, 1914, a detailed statement of expenditures, as hereinbefore described, shall be incorporated in the Annual Report of the Commissioner of Indian Affairs and transmitted by the Secretary of the Interior to Congress on or before the first Monday in December.

"Before any appropriation for the Indian service is obligated or expended, the Secretary of the Interior shall make allotments thereof in conformity with the intent and purpose of this act, and such allotments shall not be altered or modified except with his approval.

"After July 1, 1914, the estimates for appropriations for the Indian service submitted by the Secretary of the Interior shall be accompanied by a detailed statement, classified in the manner prescribed in the first paragraph of this section, showing the purposes for which the appropriations are required."

And the Senate agree to the same.

WM. J. STONE,
H. L. MYERS,
MOSES E. CLAPP,
Managers on the part of the Senate.

JOHN H. STEPHENS,
C. D. CARTER,
CHAS. H. BURKE,
Managers on the part of the House.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Finance:

H. R. 1966. An act to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909; and

H. R. 6282. An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes.

EXPENSES OF DISTRICT VETERANS TO GETTYSBURG, PA.

The VICE PRESIDENT. The Chair lays before the Senate a joint resolution received this day from the House of Representatives, which the Secretary will read.

The joint resolution (H. J. Res. 103) appropriating $4,000 to defray traveling expenses of soldiers of the Civil War now residing in the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return, was read twice by its title.

Mr. KERN. Mr. President, I ask unanimous consent for the present consideration of the joint resolution just laid before the Senate.

Mr. FALL. Mr. President, I do not know that I have any objection to that joint resolution, but on yesterday I gave notice that I would call up Senate joint resolution No. 43 at the close of morning business, not, however, to interfere with the consideration of the conference report on the Indian appropriation bill.

Mr. KERN. This is a joint resolution to appropriate $4,000 to pay the expenses of certain veterans to the Gettysburg celebration.

Mr. FALL. I have no objection whatever to that.

Mr. SMOOT. Mr. President, I simply want to say to the Senator that I think the proper procedure would be to have the joint resolution referred to the committee and let the committee speedily report it to the Senate. Joint resolutions and bills coming from the other House are always referred to a committee. If the Senator from Indiana has no objection, I think that would be the proper course to pursue as to this joint resolution. I think it can be reported back from the committee in a very few minutes as I know of no objection whatever to it.

Mr. KERN. To what committee should the joint resolution be referred?

Mr. SMOOT. To the Committee on Appropriations, I think.

Mr. KERN. The chairman of that committee is not now present.

Mr. BRISTOW. I should like to inquire of the Senator from Indiana if this joint resolution provides for paying the expenses of the veterans in the District of Columbia to Gettysburg and return?

Mr. KERN. I understand that is the purpose of the joint resolution.

Mr. BRISTOW. Why should the expenses of the veterans in the District of Columbia be paid any more than those of veterans living in the States?

Mr. VARDAMAN. The States have made similar provision as to their veterans.

Mr. KERN. The States have done so.

Mr. BRISTOW. If the States have paid such expenses, then, of course, I think the District should do so; but if the National Government pays the expenses of veterans from the District, it seems that all veterans in the States ought to be treated in exactly the same way.

Mr. KERN. I am quite sure that the Indiana Legislature has made an appropriation for the payment of the expenses of the veterans living in that State.

Mr. GALLINGER. Most of the States have done so.

Mr. KERN. Most of the States have done so. The Southern States have also made appropriations for this purpose.

Mr. NORRIS. The joint resolution provides that one half the expenses shall be paid out of the District funds and the other half out of the Government funds.

Mr. BRISTOW. It is the same as though it came from a State treasury.

Mr. NORRIS. The same as if it came from a State.

Mr. VARDAMAN. If the Senator from Indiana will pardon the suggestion, I will say, in reply to the question of the Senator from Kansas [Mr. BRISTOW], that almost all of the States of the Republic have paid the expenses of the veterans attending the Gettysburg reunion. Mississippi is paying the expenses of her representatives there, and almost all the States in the Republic, so far as I know, are paying such expenses. I think the District of Columbia should pay the expenses of the veterans from this District.

Mr. BRISTOW. I have not the slightest objection to that. All I wanted was for the veterans in the States to have exactly the same treatment as the veterans in the District will receive.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. SMOOT. I am not going to object to the present consideration of the joint resolution, but I want it distinctly understood that this is not to be considered as a precedent established by the Senate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 103) appropriating $4,000 to defray the traveling expenses of soldiers of the Civil War now residing in the District of Columbia from Washington to Gettysburg, Pa., and return.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The Secretary read the joint resolution, as follows:

Resolved, etc., That to defray the traveling expenses of all honorably discharged soldiers of the Civil War, and of all soldiers of the Confederate Armies who rendered honorable service therein now residing in the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return, to enable such soldiers to attend the celebration of the fiftieth anniversary of the Battle of Gettysburg, to be held at Gettysburg, July 1, 2, 3, and 4, 1913, there is appropriated, one-half out of any money in the Treasury not otherwise appropriated and one-half out of the revenues of the District of Columbia, the sum of $4,000, or so much thereof as may be necessary.

That such appropriation shall be expended by a commission, consisting of the Secretary of War, Col. Thomas S. Hopkins, past commander of the Grand Army of the Republic, Department of the Potomac, and Capt. D. B. Mull, ex-commander of the United Confederate Veterans, of a post in Georgia, residents of the District of Columbia.

That said commission is authorized to adopt such rules for the determination of the persons entitled to transportation hereunder as they may deem proper.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONFEDERATE VETERANS' REUNION, BRUNSWICK, GA.

The VICE PRESIDENT. The Chair lays before the Senate a joint resolution received this day from the House of Representatives, which will be read.

The joint resolution (H. J. Res. 98) authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' reunion, to be held at Brunswick, Ga., in July, 1913, was read twice by its title.

Mr. SMITH of Georgia. Mr. President, a couple of words have been left out of that joint resolution which it ought to contain, and, if there is no objection, I should like to have the joint resolution taken up and acted on now and to offer an amendment of two or three words to it.

The VICE PRESIDENT. The Senator from Georgia asks unanimous consent for the present consideraton of the joint resolution.

Mr. GALLINGER. I will ask the Senator if the consideration of the joint resolution is a matter of urgency, or whether it might not go over without injury to anyone?

Mr. SMITH of Georgia. I understand that the tents will be needed probably next week, though I am not sure about it. The joint resolution says in July, but the exact date in July I do not know.

Mr. GALLINGER. The only point I would make is the same as that made by the Senator from Utah [Mr. SMOOT] a moment ago, that if there is time to refer the joint resolution to a committee and have it reported back, it would be a better method of legislative procedure.

Mr. SMITH of Georgia. Then, I ask that the joint resolution be referred to the Committee on Military Affairs.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on Military Affairs.

THE CURRENCY.

Mr. OWEN. I desire to ask for the adoption of an order to print 25,000 copies of the proposed currency bill for distribution, 10,000 to go to the document room and 15,000 to the committee.

The VICE PRESIDENT. The Secretary will read the order.

The Secretary read as follows:

Ordered, That there be printed 25,000 additional copies of Senate bill No. 2639, "A bill to provide for the establishment of Federal reserve banks, for furnishing an elastic currency, affording a means of rediscounting commercial paper, and to establish a more effective supervision of banking in the United States, and for other purposes," of which 10,000 shall be placed in the Senate document room for distribution and 15,000 shall be for the use of the Committee on Banking and Currency.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I should like to ask the Senator if he has an estimate as to the cost of this printing?

Mr. OWEN. It comes within the $500 limit, I will say to the Senator.

Mr. SMOOT. The Senator assures me that the expense will be under $500, and therefore I have no objection.

Mr. NORRIS. Mr. President, if the Senator from Oklahoma will yield to me, I should like to inquire of the Senator if he would not be willing to change his resolution so as to provide for the printing of a larger number of copies.

Mr. OWEN. The resolution now provides for 25,000 copies.

Mr. NORRIS. I am satisfied that 25,000 copies will not come anywhere near supplying the demand.

Mr. OWEN. We could easily enlarge the number afterwards from the plates, if necessary.

Mr. NORRIS. Has the Senator made any inquiry——

Mr. OWEN. I will say to the Senator that we can not under the $500 rule go beyond the number provided for in the order.

Mr. NORRIS. Without the Committee on Printing passing upon it.

Mr. OWEN. It would have to go to the Committee on Printing, which would delay the matter, and there is already a very urgent demand for a considerable number of copies.

Mr. NORRIS. I think the Senator will find that we need at least twice that many.

Mr. OWEN. Then there can be a reprint.

Mr. SMOOT. In order to have more than that number printed it would have to be a concurrent resolution, and not only pass the House, but the Senate. I will say to the Senator from Nebraska that the House has already ordered 25,000 or 50,000 copies of this bill—I forget which.

Mr. OWEN. Twenty-five thousand copies.

Mr. NORRIS. But those 25,000 copies are not for the use of the Senate, as I understand.

Mr. OWEN. No.

Mr. NORRIS. The members of the Senate will not be given any of that number.

Mr. SMOOT. I will say, Mr. President, that by a resolution which was passed in the Senate not long ago, I think authority was given to the chairman of the Committee on Banking and Currency to have done what printing was necessary for the committee. Therefore, I suggest to him that if he provides 25,000 copies for the use of the Senate he has authority under that resolution to print whatever additional number the committee may need, and the matter may be arranged in that way better than to have another resolution passed.

Mr. NORRIS. That being true, if the committee has authority to print what they need, why can not the order provide that the whole 25,000 copies shall be for the use of Senators?

Mr. OWEN. I question the authority under that resolution, and that is the reason I ask the Senate now to adopt the order I have presented.

Mr. NORRIS. But 15,000 of the 25,000 copies provided for under the order which the Senator has presented will go to the committee, and will not be for distribution among Members of the Senate.

Mr. OWEN. I will be very glad to have that reversed, so that 15,000 copies will go to the document room and 10,000 to the committee.

Mr. NORRIS. I will be glad if the Senator will do that.

Mr. OWEN. I ask to modify the order in that way.

The VICE PRESIDENT. In the absence of objection the order will be so modified. The question is on agreeing to the order.

The order was agreed to.

Mr. OWEN. I ask to have printed as a Senate document for the convenience of the Senate a statement or abstract prepared in regard to the bill (S. 2639) to provide for the establishment of Federal reserve banks, for furnishing an elastic currency, affording means of rediscounting commercial paper, and to establish a more effective supervision of banking in the United States, and for other purposes, which was introduced by me on the 26th instant. I ask that the statement be referred to the Committee on Banking and Currency to accompany that bill.

The VICE PRESIDENT. Without objection, it is so ordered. (S. Doc. No. 117.)

EXPORTATION OF ARMS TO MEXICO.

Mr. FALL. Mr. President, I gave notice on yesterday that this morning I would call up Senate joint resolution No. 43. I now do that for the purpose of addressing the Senate as briefly as I possibly can upon a subject which I think is of the utmost importance, and which should receive, as it undoubtedly, in my judgment, merits, some immediate consideration in view of the very critical condition of affairs, growing more critical every moment, upon our southern border.

The VICE PRESIDENT. The Secretary will read the joint resolution called up by the Senator from New Mexico.

The Secretary read the joint resolution (S. J. Res. 43) to repeal the joint resolution of March 14, 1912, authorizing the President to prohibit the exportation of arms, etc., as follows:

Whereas the provisions of the joint resolution of March 14, 1912, authorizing the President to prohibit the exportation of arms and munitions of war under certain circumstances, and the proclamation of the President of the United States, issued on the 14th day of March, in the year 1912, under the authority of said resolution, have been and are now being so construed by the authorities charged with the enforcement of the same as to prohibit the exportation of arms and munitions of war to one or more of the contending factions in the Republic of Mexico and to authorize and permit such exportation of arms and munitions to one or more of such contending factions; and

Whereas there has been for more than two years last past continuous strife and armed conflict between various contending factions within the Republic of Mexico and the different States thereof; and

Whereas the enforcement of such law and the proclamation putting same in effect has, as is shown by the evidence taken by the Senate committee under Senate resolution 335, Sixty-second Congress, second session, caused attacks upon American citizens residing or temporarily being in Mexico, the destruction of the property of such American citizens, the holding of such citizens for ransom, and has resulted in engendering between such and other American citizens and the great mass of Mexicans feelings of antagonism and distrust, and is destroying the traditional friendship between the people of the two countries; and

Whereas it is the desire of the Government of the United States to remain entirely neutral and to take no part, directly or indirectly, in the internal affairs of the Republic of Mexico, and to restore and maintain the friendship and good feeling heretofore existing between the citizens of the two countries: Therefore

Resolved, etc., That the joint resolution of March 14, 1912, amending the joint resolution of April 22, 1898, authorizing the President to prohibit the exportation of arms and materials of war, etc., be, and the same is hereby, repealed.

Mr. FALL. Mr. President, Senate joint resolution No. 43 provides for the repeal of a resolution adopted by the Congress of the United States on March 14, 1912.

I desire to call the attention of the Senate, first, to the fact that the resolution of March 14, 1912, was evidently adopted under a misunderstanding of the effect of the resolution itself or of the law then in force, which it was sought to amend; second, that the object of the adoption of the resolution at that time, as expressed upon the floor of the Senate, has not only not been attained, but that the results have been diametrically opposed to those which the persons who offered the resolution stated they desired to bring about.

The preamble of Senate joint resolution No. 43 largely expresses its purpose, and I shall not take up the time of the Senate to read either the resolution or the preamble.

The joint resolution of March 14, 1912, as it has operated, has changed the law of the United States as it existed from the inception of this Government down to that date. Not only has it changed the statute law of the United States, but it has changed the policy of the United States, and has changed the rules of international law, as understood and followed by the United States and by every other country on the globe, without an exception, so far as I know. There certainly has been no action taken by The Hague tribunal, nor by the declaration of Paris, nor by any other body of which I have any knowledge, which has initiated in any country on this globe any such policy as we initiated by the passage of the resolution of March 14, 1912.

I am not going to read the debate upon this question in the Senate, which was very short. When the resolution was offered, on March 14, it was taken up for discussion immediately and was passed on the same day. It was stated in the debate at that time that the resolution of March 14, 1912, was an amendment to the neutrality laws of the United States then in force; that it was intended so to be; and that instead of increasing or enlarging the powers of the President under the act to which it was intended to be amendatory it really restricted the powers of the Executive to some extent. The statement was made that by a change of the resolution passed on April 22, 1898, a portion of our antiquated neutrality laws would be amended so as to bring those laws up to date.

The statement was also made at that time that the necessity for the passage of the resolution was that American citizens across the border in Mexico were fleeing for their lives, and that the continued exportation of arms and ammunition into Mexico would jeopardize the lives, the liberty, and the property of American citizens across the border.

I wish to touch upon these two propositions. The resolution itself, the law as it stands, provides:

That the joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States, approved April 22, 1898, be, and hereby is, amended to read as follows:

Remember, Mr. President, that in the statement of the case this resolution of April 22, 1898, was directly referred to as a part of the neutrality laws of the United States, and that it was sought by the resolution of March 14, 1912, to amend those neutrality laws.

That whenever the President shall find that in any American country conditions of domestic violence exist which are promoted by the use of arms or munitions of war procured from the United States, and shall make proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President shall prescribe, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.

Section 2 has been recently passed upon directly, and its meaning explained, in a case before the Supreme Court of the United States, decided within the last three weeks. That section is as follows:

That any shipment of material hereby declared unlawful after such a proclamation shall be punishable by fine not exceeding $10,000 or imprisonment not exceeding two years, or both.

Instead of being part of the neutrality laws, the resolution of April 22, 1898, was a war measure. It was no part of the neutrality policy of this Government at all. It was adopted by the two Houses of Congress two days after the resolution was passed recognizing the independence of Cuba and authorizing and directing the President of the United States to use the land and naval forces of the United States to carry out the purposes of that resolution. It was for the purpose of preventing the exportation of coal from the seaports of this country to places where it might fall into the hands of the Spaniards, against whom war was declared directly on the same day. It was only about 10 days after the McKinley message calling the attention of the Congress of the United States to the fact that it was the duty of this Government to intervene in the war between Spain and Cuba, or at least in so far as the troubles then existing in Cuba were concerned. It was purely a war measure for the protection of our own Government, never dreamed of as a neutrality measure. Yet, possibly through some misunderstanding, this resolution was treated as a neutrality law, and amended so that an American person selling goods in St. Louis, Mo., to his regular customer in Matamoras, Mexico, Juarez, Naco, Nogales, Veracruz, the City of Mexico, or anywhere else, under the decision of the Supreme Court of the United States, rendered in the Chaves case within the last three weeks, is guilty of a crime for which he may be punished by two years' imprisonment in the penitentiary and the infliction of a $10,000 fine.

Mr. BACON. Mr. President, I presume the Senator will not object to interruptions?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Georgia?

Mr. FALL. Certainly. I do not object to interruptions.

Mr. BACON. If the Senator will investigate the history of the resolution to which he has referred, I think he will find that while it is true that the resolution was passed through the two Houses of Congress on the date stated by him, it was introduced some time prior to that.

Mr. FALL. Which resolution—that of April 22?

Mr. BACON. Yes.

Mr. FALL. No; that is not the case.

Mr. BACON. When was it introduced?

Mr. FALL. It was introduced in the Senate of the United States on Saturday. On Monday, I think, or Tuesday the 22d day of April, Mr. Quay reintroduced the same resolution, and it passed the Senate on that day, and passed the House on that day.

Mr. BACON. When was it first introduced in the House?

Mr. FALL. The resolution which passed was the Senate resolution. It was introduced, and then for some reason was withdrawn because of the objection of Senator Gorman, of Maryland, was reintroduced by Senator Quay, of Pennsylvania, and passed on the 22d of April, as a war measure.

Mr. BACON. I do not speak from any definite recollection.

Mr. FALL. I have before me an extract from the RECORD.

Mr. BACON. My impression is that the Senator will find that the resolution was introduced in the House some time prior to that, and that its original purpose was to enforce our neutrality laws. I am not definite in my recollection, but it is my general recollection that it originated in the House.

Mr. FALL. Mr. President, I am absolutely definite in my recollection and in my statement.

Mr. BACON. I do not understand the Senator to be definite in reply to my inquiry as to when the resolution was originally introduced in the House.

Mr. FALL. I have stated as definitely as I could. I do not know whether the resolution had been introduced in the House on Saturday or not. I know that this resolution was introduced on the 22d, and passed, and the purpose of it was expressed in the debate in the Houses of Congress. I have before me extracts from that debate, on pages 4170 and 4171, where Mr. Gaines stated "That the object of the resolution was to stop sending coal supplies to nations that are friendly with Spain," while Mr. Hull said, "That it puts it in the power of the executive department of the Government to stop the shipment of coal or war ammunitions to any place where they may likely reach the Spanish Government."

Mr. McEwan asked, "If it would not be better to prevent the exportation of these materials from any point in the United States? This simply prevents exportation from any seaport. There is remaining the Mexican frontier and the entire Canadian border."

Mr. Dockery asked, "If the resolution would apply to provisions," and Mr. Hull replied, "It would apply to anything used in war." Mr. Dockery stated that his reason for asking was "That a number of shipments have been recently made to the Spanish army by certain merchants in New York, and I was in hopes that it would be far-reaching enough to stop the trade in army supplies." Mr. Hull answered, "That will be in the discretion of the President."

Mr. President, the question as to whether this was or was not a war measure is absolutely settled by the debate in both bodies. It is immaterial whether it was introduced after the receipt of the McKinley message and after the introduction of the resolution providing for the freedom of Cuba and authorizing and directing the President of the United States to use the land and naval forces to bring that about. The resolution for the freedom of Cuba was then under consideration in both branches of Congress and was pending. It makes no difference whether the debate was on the 20th, the 21st, or the 22d. As I have stated, this was a protective measure for the Government and not a neutrality policy to be inscribed on the laws in opposition to the policy which had been ours since 1793. Yet it was stated here, and the resolution was passed by the Senate undoubtedly on the assumption, that the resolution of March 14 was an amendment to the resolution of April 22, as a neutrality measure.

I wish to call the attention of Senators on the other side to some of the expressions of opinion as to the policy of the Government, which were so lightly set aside, I think, by mistaken action. I call this matter to the attention of Senators on the other side and Senators on this side, because the neutrality laws of this Government of ours have never constituted a partisan question.

In 1793 Thomas Jefferson wrote upon this subject to the British minister, who had made complaint that merchants and others in this country were supplying arms and munitions of war to the enemies of Great Britain. Mr. Jefferson said, on May 15, 1793:

> Our citizens have been always free to make, vend, and export arms. It is the constant occupation and livelihood of some of them. To suppress their callings, the only means perhaps of their subsistence, because a war exists in foreign and distant countries in which we have no concern, would scarcely be expected. It would be hard in principle and impossible in practice. The law of nations, therefore, respecting the rights of those at peace, does not require from them such an internal disarrangement in their occupations. It is satisfied with the external penalty pronounced in the President's proclamation, that of confiscation of such portion of these arms as shall fall into the hands of any of the belligerent powers on their way to the ports of their enemies. To this penalty our citizens are warned that they will be abandoned and that, even private contraventions may work no inequality between the parties at war, the benefit of them will be left equally free and open to all.

Right here I want to call the attention of the Senate to the fact that that policy, as announced by Jefferson, has been followed by every prominent man, by every statesman, by every official who ever spoke upon this subject, so far as I have been able to read; certainly in every declaration of every such statesman or official when such declaration was necessary upon an inquiry from any foreign power or when the question was raised on either side of the legislative branch of this Government. Never until last year, on March 14, was a contrary policy advocated for even one moment by anyone of whom I have read, or anyone of whom I have heard. The law of nations, of every other Nation but this, is now that the citizens of a nation can sell to the citizens of any other nation, whether they are at war or not. If the thing sold is contraband of war, then, of course, such contraband is subject to seizure by either of the belligerents.

But what is the condition here? Our citizens are arrested within the confines of their own country by the armed forces of the United States and sent to the penitentiary without warrant of law. The houses and the stores of our own citizens on American soil are being broken into, without warrant of seizure, by the armed forces of the United States, as happened recently in El Paso County, Tex. In that case arms and ammunition, still in the original cases, for their own protection against a threatened attack of Mexican raiders from the other side, against which we are not protected, were broken open, and such arms and ammunition were seized and taken away from the owners by the military forces of the United States. Within the last 10 days this seizure has been set aside, by order of the Secretary of War. Within the last three weeks the Supreme Court has declared that if that merchant, or any other merchant anywhere in the United States, consigns to Mexico in the ordinary course of trade a bill of goods containing arms or munitions of war, he is liable to two years' imprisonment and $10,000 fine.

Instead of leaving it to Mexico to protect herself the taxpayers of the United States have been required within the last two years to expend millions of dollars to maintain the land forces of the United States upon the Mexican border and the naval forces of the United States along the coast of Mexico, to protect some faction of Mexicans fighting some other faction of Mexicans.

Mr. SMITH of Arizona. Will the Senator permit me?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Arizona?

Mr. FALL. With pleasure.

Mr. SMITH of Arizona. It is interesting in the line of what the Senator is discussing to advert to a dispatch in the morning paper to the effect that a man has been called from Oregon or Washington down to the town of Phoenix, because he carried an aeroplane across the border into Mexico. Because of that act he was brought that distance at the expense of the United States.

Mr. FALL. I thank the Senator from Arizona for calling my attention to that instance. I will say further that I am not going to instance one case after another, but the policy is that the American cattleman on his cattle ranch along the border today does not dare to live on the other side or undertake to do business on the other side with any dependence except upon himself for protection, because he knows that the United States Government has disavowed him. The consequence is that this man with his six-shooter swung around him, carrying it on the other side for the protection not only of his property but of his children and his wife, by crossing the line and depositing his six-shooter on this side and undertaking to return on business to his family, taking his six-shooter from the place where he has deposited it, is arrested by United States troops without warrant of law and turned over to the United States Government and sent to the penitentiary for two years and fined $10,000.

That is the way this remarkable neutrality law fastened on the people of the United States is operating. I shall refer as I proceed to the operation of it within Mexico itself.

Mr. President, following Mr. Jefferson, on August 4, 1793, three or four months after Jefferson's doctrine was enunciated and sent out to the people of the world, Hamilton, in his Treasury circular, wrote:

> The purchasing within and exporting from the United States by way of merchandise articles commonly called contraband, being generally warlike instruments and military stores, is free to all the parties at war and is not to be interfered with.

The same doctrine was repeated by Mr. Pickering, Secretary of State, during the course of his correspondence with Mr. Adet, minister of France, on January 20 and May 25, 1796.

It has been laid down by the Supreme Court of the United States in the *Santissima Trinidad* case (7 Wheat., 283) and in all the other cases which came before it prior to the Chavez case.

Mr. Clay to Mr. Obregon, April 6, 1827, reiterated the same doctrine, and it has been held to be the law and the policy of the United States, as well as its international law, from that day down to March 14, 1912.

President Pierce, in his message on December 3, 1854 (see p. 957); Mr. Seward, Secretary of State, in a communication to Mr. Romero on December 15, 1862; Attorney General Speed, in an opinion in 1865; John Quincy Adams, in his Memoirs; Mr. Fish, Secretary of State, to Mr. Lopez Roberts, Spanish minister, in 1869, and again in a note to Mr. Cushing, our minister to Spain, in 1876; Mr. Bayard, Secretary of State, to Mr. Garland, Attorney General, in 1885, as well as to Mr. Becerra, in the same year; Mr. ROOT, then United States attorney at New York, to Mr. Garland, Attorney General, a case in which Attorney General Garland calls the attention of the then district attorney of New York, Mr. ROOT, to the fact that it was reported a ship was sailing from one of the harbors in the city of New York loaded with arms or munitions consigned to some person or firm in Colombia. Mr. ROOT promptly replied to him that, in accordance with his desire, he would issue a warrant for the arrest and detention of the ship, but that under the law and policy of the United States in the event it was disclosed that the arms and munitions of war were bought in the ordinary course of business from citizens dealing in such arms, then there was no authority of law under which the ship could be held.

It was so decided by the court; it was so decided by those charged with carrying out the policy of the Government at that time; it was so decided by Mr. Bayard.

Mr. Blaine to Mr. Lazcano, in 1891; Mr. Foster to Mr. Peraza, in 1892; Mr. Harmon, Attorney General, in 1895; Mr. Olney to Mr. Dupuy de Lome, on July 15, 1896, and every other official or statesman in this country without any exception until the act of March 14, 1912, which I now ask the Senate to repeal, was foisted upon this people under the statement, at least undoubtedly believed by the Senators who made it, that the exportation of arms and munitions of war to the Orozco forces in northern Mexico might tend in come way to injure Americans.

Mr. President, I called the attention of the Senate at an early day after my entrance into this Chamber to the operation of this law and the effect it was having upon the interests of Americans in Mexico and to the fact that up to the time of the enforcement of this law there had been little or no loss of American life or American property in Mexico. Only in a few isolated cases had there been any attempt to interfere with Americans in the full enjoyment of their property rights and of their liberty. Not an American up to that time had been seized by either of the contending factions in Mexico or held for ransom. Since that time I could fill the CONGRESSIONAL RECORD to overflowing with the names and dates when Americans have been seized and held for ransom by the partisans of one or the other contending factions, and in arresting them invariably the statements were made that it was in retaliation for the action of the United States in the enforcement of the act of March 14, 1912.

The whole policy of this Government, Mr. President, as was stated before in this Chamber by myself with reference to the policy of the last administration, has been absolutely wrong, clearly wrong; wrong to the people of Mexico and outrageous to the citizens of the United States who have been there and who are there.

It is said, Mr. President, that if you go across the border of the United States you take your life in your hands. We attempt to extend the trade of this great country. We tell the Japanese, the Chinese, and all the nations of the world that we would like to have their trade. "We will let you have any article of commerce at almost any price you choose to pay for it." But when our merchants send out their representatives,

their business men, to reside in South America, Central America, Japan, China, or anywhere else, they go there with the understanding that "dollar diplomacy" is a thing of the past and that "grape-juice" diplomacy has taken its place. What the difference may be, I can not say; I do not know. I do know, however, that when you do state definitely to the other nations of the world the fact that American citizens residing in their boundaries can be attacked with impunity, that they can be despoiled of their property with impunity, then you strike the deadliest blow which was ever given to the trade of the United States—this great commercial Nation.

Mr. President, I am not going to take up the time of the Senate to go into matters in detail. I promised to close as rapidly as I possibly could; but I want to call the attention of Senators to the records in this case.

A committee was appointed by this body to investigate matters along the Mexican border and in Mexico in connection with an investigation as to whether American citizens had anything to do with inciting or fomenting the revolution against the Government of Diaz in Mexico. In the course of that investigation statements were obtained which are published as a Senate or a Senate committee document. Nine hundred and eighteen pages of statements were taken and are published in this record, statements of American citizens in Mexico, and every American citizen who testified upon the subject testified to the effect that prior to the passage of the resolution of March 14, 1912, their property had been practically exempt from seizure; that their lives had been safe throughout Mexico; that none at least of the armed forces upon either side—and there are a dozen different sides in Mexico—had interfered with Americans because they were Americans; that if there had been any interference it was only incident to some sporadic case of looting or robbery; that subsequent to the passage of the joint resolution American property has been endangered in every State of the Republic of Mexico, particularly in the States along the American border; that as was stated to the witnesses by the Mexican leaders, the officers of both the federal army and the revolutionists, it was due entirely to the fact that they intended to retaliate upon Americans in Mexico and hold them responsible for the action of this Government in unwarrantedly intervening as they were doing in the protection of one faction against the other; that they proposed to make the Americans there pay for the cartridges which they had to pay three times the regular price for because they could not get them across the border except at an enormous cost by smuggling.

Salazar wrote a letter which is embraced in this statement. He is the federal now at Juarez, who is leading the defense of that city against the attack of troops of Villa. Salazar has a letter here which was handed to the then President of the United States, Mr. Taft, in which he says that Americans must not come back across the border to attend to cattle branding and other business. Why this action of Salazar? Because three days before he had attacked the federal post at Palomas, which is a port of entry in Mexico, and had killed or taken prisoners all the garrison who were within a mile of our line. The federal garrison had been getting supplies, arms, and munitions from this country; it had been getting flour, meat, and all the supplies which they needed and were able to pay for. When Salazar took charge of the port and sent his wagons and teams across into the United States to buy arms and munitions and to pay with his gold for flour to feed his starving men his flour was seized by the armed forces of the United States and confiscated and the men were put in the military prison and his teams were confiscated and sold. Do you wonder, then, that when they get an unprotected American on the other side they make him pay in some measure for the damage which this Government is directly inflicting upon them?

I am speaking now of the Mexicans, but, Mr. President, I can certainly appeal to the Senate in behalf of the trade of the United States with Mexico. It is not an illegitimate trade. It is one which we have always been engaged in, one which is recognized as legitimate by every other nation in the world, and by this has been recognized as absolutely legitimate until the passage of the joint resolution.

I am simply going to put into the RECORD citations to the evidence of certain witnesses who appeared before this committee to corroborate my statement and I will not read the evidence itself. There is the testimony of E. C. Houghton, page 9. Mr. Houghton is the representative of E. D. Morgan & Co., the Bliss estates, and others in New York, and manages large, rich ranch property in Mexico. He was driven away from it, and can not go back there. He can not brand his cattle, although he was informed by a man close to the former administration that he had better make a private deal with the bandit, Salazar. He did so, and he paid Salazar $7,500 to allow him to brand his calves. After the money was paid, Salazar drove the calves off, sold them, and put the money in his own pocket. On page 65——

Mr. BACON. I should like to inquire of the Senator, with his permission——

Mr. FALL. Certainly.

Mr. BACON. If he has a copy of the proclamation issued by the President under the joint resolution?

Mr. FALL. It is simply warning the people of the United States. I have it, but not here before me.

Mr. BACON. What I wished to ask the Senator is whether any exception was made in that proclamation.

Mr. FALL. I will have it in a moment. The Senator from Ohio is courteous enough to look for it. The proclamation, however, simply recites this act. There had been a neutrality proclamation, as in all cases of this kind. It has always been the custom of any administration to issue a proclamation to its citizens that they must observe neutrality when there was war between two foreign countries. That, of course, was issued.

Following that was the proclamation of the President of March 14, to which I have referred and which I am now discussing. Under that, millions of dollars of American property have been destroyed and 80 American lives have been lost, almost entirely attributable to this law and to this proclamation.

Mr. BACON. Mr. President——

Mr. FALL. Sixty-two million dollars, Mr. President, admitted damage had been done to American property five months ago, when I saw the last consular or embassy report—that was about the estimate.

Mr. BACON. The Senator did not catch the purport of my prior inquiry.

Mr. FALL. I understood the Senator to inquire as to this proclamation.

Mr. BACON. No; the Senator was urging that the joint resolution, which is a law, was operating unjustly to some people.

Mr. FALL. Yes, sir.

Mr. BACON. And that some were made to suffer under it while others had relief.

Mr. FALL. Oh, Mr. President——

Mr. BACON. If the Senator will pardon me a moment.

Mr. FALL. All right.

Mr. BACON. For that reason I asked the Senator whether the proclamation made any exceptions in favor of either party or whether if such exceptions were in practice found they were without regard to the proclamation. I have sent for the proclamation with a view to seeing whether any exceptions were made.

Mr. BURTON. It makes no exception, I will state to the Senator.

Mr. BACON. No exception?

Mr. BURTON. It seems to make no exception.

Mr. BACON. Very well. If there are no exceptions it is not the fault of the law if any injustice has been done to anyone.

Mr. FALL. I wish to call the attention of the Senator to the fact that he asked me some questions along this line when I spoke here in August, and I stated to him at that time and told the Senate that there were exceptions; that the Madero government was being absolutely protected and allowed to get arms and ammunition wherever it pleased; that the insurrectionists against the Madero government could not get them; and that American citizens were being shut up for selling them through a port which to-day belongs to the Madero adherents and to-morrow belongs to Orzoco, or to-day to Huerta and to-morrow to Villa; selling them in the ordinary course of business, shipping to merchants in Mexico; to-day you would be damned for selling and to-morrow praised.

Mr. NORRIS. Mr. President——

Mr. FALL. I will call the attention of the Senator on this point to a specific instance. Here is an official communication from the Chief of the Coast Artillery and Acting Chief of Staff under date of June 18, 1913:

> In answer to your letter of the 17th to Gen. Wood, who is out of town, I have the honor to inform you that the arms, equipments, etc., which were turned in by the Mexican Federal troops at Nogales and Naco, were shipped to the American consul at El Paso.

We do not recognize the Huerta government, and still this Government not only allows its citizens to sell to the adherents of Huerta in violation of good faith, as I understand it, but this Government itself directly violates neutrality, as I understand the term, by delivering arms to the Huerta government. The day before yesterday—I may say to the Senator I will get the facts if he wants them—128 rapid-fire guns and two or three carloads of ammunition for shipment, through sales by American merchants, for Matamoros, Mexico, were seized by the armed force of the United States on this side and confiscated.

Why? Because Matamoros is in the hands of Carranzistas in opposition to the Huerta government. Those are the exceptions. The Senator stated two or three of them here.

Mr. BACON. If the Senator will pardon me, the only exception recognized by the law is the exception made by the President of the United States.

Mr. FALL. The Senator knows that the proclamation forbids the shipment of arms intended to incite or foment domestic disturbance contrary or against the constituted government of Mexico. That is what the proclamation says, and that is what the law says, that whenever the President in his discretion may find shipments of arms and munitions from this country which may tend to incite revolution against the recognized government of an American State, he has it in his power to prevent it. Naturally, he has construed it not to direct him to exclude the shipments to a recognized government.

Mr. LODGE. Then, I understand the Senator to state that the examples prove the statement that we permitted arms to be shipped to the Madero government?

Mr. FALL. You did.

Mr. LODGE. But not to those in insurrection against it; and now we are permitting arms to be shipped to one government but not to the other in Mexico.

Mr. FALL. That is it exactly.

Mr. LODGE. That, I understand, is the Senator's position.

Mr. FALL. That is it exactly. I have an instance occurring under the former administration. I have in the office files an official document showing that a ship with arms going to Vera Cruz was seized by United States authorities under this very proclamation, but by order of Mr. Taft, over his own signature, was released because it was going to the Madero government ports for the use of Madero.

While this administration has not recognized the Huerta government, under the direction of somebody arms and ammunition surrendered to our troops on this side are being returned to the Huerta government, while arms and munitions bought in the ordinary course of trade, destined to a port which happens to be in charge of the Carranzista government—which is the government of the State of Coahuila and all the States in secession—shipped to Matamoras by our citizens on this side are seized; and if they choose to bring an indictment against the merchants who sold the arms in the ordinary course of trade, under the decision in the Chavez case they are subject to imprisonment in the penitentiary and a $10,000 fine.

I say to you, Mr. President, that the whole course of this Government—and I speak of this administration as well as of the last administration—has been ruinous to American interests and has been shameful, and that this act now upon the statute books is a stain upon such statutes and upon the laws of this country.

Mr. NORRIS. Will the Senator yield to me there?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. FALL. Certainly.

Mr. NORRIS. I should like to inquire of the Senator what the effect would be if we pass his resolution repealing the present law? Would our merchants then have a right to sell to any one of the factions?

Mr. FALL. To anyone who would come and give his good gold; and then it would be his lookout as to whether he got them across the line. If our merchants sold them to be delivered at Juarez, and Salazar should seize them before they were delivered, our merchants would lose them, if they were to be paid for on delivery; on the other hand, if they were destined for the Huerta faction, and Mr. Carranza should seize them, our merchants would lose them. Under the neutrality law they are contraband of war and subject to be seized by either of the belligerents; but the doctrine which I am insisting upon, Mr. President, is the American doctrine, and the doctrine of the civilized world, that our merchants should be free to sell wherever they please, to whomsoever they please, taking simply the responsibility of dealing in contraband of war, which is subject to seizure by either belligerent.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Mississippi?

Mr. FALL. With pleasure.

Mr. WILLIAMS. I want to suggest to the Senator from New Mexico—I do not know whether he has dwelt upon it or not—that the doctrine he is trying to reinstitute was the doctrine of this Government under George Washington's administration and has been ever since. We declared at that time that our merchants sold at their own risk, but they had a right to sell.

Mr. FALL. I am glad the Senator has made his statement. I will state to the Senator, for his information, that I have just read an extract from the official communication of Thomas Jefferson, dated May 15, 1793, to the British minister, and then Mr. Hamilton's circular, and the communications to the French minister and to all other nations and all other people. The Hague tribunal has never sought to go any further than simply to provide for the seizure of contraband of war. It has never sought to provide that any nation should not sell freely to any other nation, whether at war or not, except under that penalty.

Mr. LODGE. They sell at their own risk.

Mr. FALL. They sell at their own risk, of course, just as Jefferson said, touching contraband of war; our merchants sell at their own risk; aside from that, they shall not be curtailed in their right to sell.

I had commenced to read when I digressed, Mr. President, from the testimony in this case in the document of the committee to which I have referred, appointed under Senate resolution No. 335. I want to call attention—and I want to get this in the RECORD, so that Senators, if they so desire, can see it for themselves—to the sworn testimony of reputable American citizens as to what has been the effect of the maintenance of this resolution upon our statute books.

E. C. Houghton, page 9; Julius Romney, page 65; David Gough, page 33; Charles M. Newman, pages 39 and 43; George A. Laird, page 14; H. S. Stephenson, page 372 and also 811; William N. Fink, page 692; Mayor Kelly, of El Paso, Tex., page 452; Charles K. Warren, Three Oaks, Mich., page 800; Price McKinney, of Cleveland, Ohio, of the firm of Corrigan, McKinney & Co., page 805; L. P. Atwood, page 496; and V. H. York, page 720.

Those are a few of the witnesses who testified upon this direct subject. Every other particle of testimony touching the subject at all corroborates the evidence of these witnesses to the effect that until the proclamation of March 14, putting in effect this law which was mistakenly supposed to be an amendment to the neutrality law—until that proclamation went into effect, Americans, as well as citizens of any other country, were protected in their property, while since then, as shown by Mr. Fink, superintendent of the San Toy Mining Co.—an American company with 5,000 stockholders in this country—who in his little mining camp within 12 miles of Chihuahua, where the Federals claimed to have a garrison of 7,000 men, was seized and held for ransom. The Federal troops were notified at once, but refused to go to his assistance. The American consul was notified at once and wired the State Department of the United States Government. The department replied that they had wired the City of Mexico to afford Mr. Fink all protection. Five thousand troops, or, as they claimed, 7,000 troops, were within 16 miles, and yet no attempt was made to go to his assistance. He knew the men who had seized him. He spoke Spanish well. They demanded $5,000 ransom. He called upon them as friends, stating that he was a poor man, had only his salary, and doubted whether his company would put up a dollar ransom for him, stating that he had always been their friend. They said "yes," personally, and you are so now, but your Government is ruining us; the policy of your Government in intervening is causing our women and children to starve and our men to shed their blood. It is your fault. We must have cartridges with which to defend ourselves. We must buy them from some source; we must have the money with which to buy them. Your Government is depriving us of the right to buy them across the border. We pay three times the price for every cartridge because we are compelled to smuggle them. We are now buying from the Federal troops in the city of Chihuahua cartridges at 10 cents apiece. If you will furnish us with 50,000 rounds of cartridges, we will turn you loose; if you do not, we must have from you $5,000 with which to pay the Federal soldiers for the cartridges which they are selling us." That is from the sworn testimony of a reputable American citizen.

Mr. President, I do not want to weary the Senate, and I shall close by saying one or two words upon another subject connected directly with this.

Mr. NORRIS. Mr. President, before the Senator leaves that point, I should like to ask him whether it would not be possible, without changing any law, for the President to recall the proclamation that was issued by virtue of the particular resolution which the Senator wants to repeal?

Mr. FALL. Undoubtedly.

Mr. NORRIS. Would not that give complete relief?

Mr. FALL. Absolutely; because the law is not self-acting. It can only be put in effect by the President. Of course, that would afford immediate relief. My whole insistence is that it was never the intention of the Congress of the United States deliberately to change the policy of this Government inaugurated by Jefferson and Washington. I do not believe that when Congress understands fully the effect of it and how this law is be-

ing enforced, it will allow it to remain upon the statute books; but it has been within the power of the administration at any time simply to revoke that order.

I want to say to the Senator who has asked the question, that I have had this matter up with the last administration, and I have called the attention of the present administration to the fact that such acts as these of which I have been speaking, and also allowing so-called Federal troops to go through American territory when they did not dare follow the insurrectionists through the mountain passes, allowing the Federals to take trains in safety at El Paso and head off the revolutionists going from Chihuahua to Sonora or from Sonora to Chihuahua—such acts as these have emphasized upon the minds of the Mexicans of the north that the Americans who have always been friends of those people of the north have for some reason now turned to their enemies.

Mr. President, I myself personally have done business in Mexico for 31 years. I have had as many as 5,000 of these people working for me at one time in Chihuahua and Sonora. I have lived with them in their camps; I have had my daughter and my family in Mexico in little outlying Mexican camps, where there were not two Americans, and I have left them there in absolute safety, feeling that they would be protected and that they were in no danger whatever. I am sorry to say that I can do that no longer, and I speak knowingly when I say that the change of conditions, the change in the minds of the Mexicans of the north in their opinion of and treatment of Americans is due absolutely to the suicidal and farcical policy of these two administrations.

Mr. BACON. In what particular?

Mr. FALL. If the Senator does not understand in what particular, I am afraid it is impossible for me to impress it upon him. I have been devoting myself for some little time to that attempt, and I am sorry that I am not so fortunate in the choice of language as to inform the Senator.

Mr. BACON. I accept the Senator's criticism and acknowledge my obtusity. I simply desire to know from the Senator, if I do not render him impatient by making the inquiry——

Mr. FALL. Not at all.

Mr. BACON. Whether he limits it to the criticism he has already made or whether he has anything else in his mind?

Mr. FALL. The entire policy. If you want to know what my opinion is, if that is what you are attempting to get at, as to the attitude of the present administration toward the so-called Huerta government, I can say that one thing that any Democrat and any American, in my judgment, has a right to be proud of is the fact that this administration has refused to recognize a treacherous assassin, a man who, trusted with the safety of his President and armed by that President for the protection of his so-called government—of which I had very little opinion, as Senators know—this man, intrusted with the personal safety of his President and with the protection of what government they had, should have assassinated him and taken his place.

I shall not criticize other nations of the world; they have their own code of diplomacy, but I have criticized the diplomatic actions and policy of this Government which I desire to criticize, and I am perfectly willing to yield my admiration to the present administration for its refusal to recognize the so-called Huerta government.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Washington?

Mr. FALL. With pleasure.

Mr. POINDEXTER. If the condition of affairs is as described by the Senator from New Mexico, so far as the enforcement of the joint resolution which he is now seeking to repeal is concerned, I understand that this Government, through its agencies along the border, is practically acting as an ally of the Huerta government, and notwithstanding its refusal to recognize the Huerta government as a government it is rendering it, perhaps, a far more valuable service in allowing it to buy and receive munitions of war from this country, while it is refusing the opponents of that government that privilege.

Mr. FALL. That is the position in which the Government is placed. I can show further, Mr. President, along that line that the Senator from Arizona and myself made certain protests to the State Department of this Government a short time ago, which were listened to to some extent, against the action of the Government in regard to the troops, to the number of some seven hundred fighting men, who were forced to cross the border at Naco and at Nogales, whipped by the Carranza forces, driven out of Mexico, and pursued to the border, Gen. Ojeda himself having been dragged across the border by an American officer, to get him away from his pursuers. They surrendered their arms to our American soldiers, were kept there and fed at the expense of the United States Government, and then started across the territory of the United States, under guard of American soldiers, to be delivered back to Huerta. The arms and munitions had already been sent to the Mexican consul at El Paso. Two hundred and ninety-four of these troops arrived at El Paso and were met by three Texas Rangers, ordered out by Gov. Colquitt, with instructions not to allow one of these Huerta troops to land there from the military train. We, as I say, protested. It appears to be rather uncertain as to what became of some of the troops. Gen. Ojeda, the hero, who had announced through the American press to the American soldiers and to his countrymen that he proposed to die in his tracks before he would surrender or was conquered, running from his pursuers, was dragged across the American line by a friendly American officer and allowed to proceed to Guaymas, and has been in charge of the defense of that city against the men who ran him out of the country at Naco.

Mr. President, the 294 troops who arrived at El Paso are still there on the military reserve at Fort Bliss, because the Texas authorities will not allow them to go off. They would not allow the Huerta soldiers to be taken from the train in the Union Station, but compelled them to go out to Fort Bliss, where they are yet, being fed at the expense of this Government.

Need I refer to other acts of invidious distinction, Mr. President, calculated to make the opposing class in Mexico rather antagonistic to the United States? It seems to me, sir, that if a case could be established that this case has been.

Mr. President, I am not going to take up any more time of the Senate than to say this: I have referred to the investigation which was made by a committee of the subcommittee of the Foreign Relations Committee of the United States Senate with reference to Mexican affairs. I was placed upon that committee by the Senate itself by a joint resolution passed, I believe, two days after the committee was appointed.

Mr. President, the direct subject of investigation at that time was the question as to whether or not American corporations or American interests on this side had furnished money with which to incite or foment the revolution of Madero against the Diaz Government. I want to say that after a most thorough examination of all the evidence we could obtain, and some which it was impossible for me to place in the hands of the committee, coming from private sources which I would not dare to name and can not name to-day, I not only became convinced that no American company, corporation, or individual in this country had furnished the money with which that revolution was brought about, but I became convinced, and have evidence absolutely conclusive to myself, as to where the money did come from.

I have been anxious that the committee might get together and consider some of these matters, and, if possible, arrive at some conclusion. In view of the fact that the committee has not met for that purpose, I simply desire now to make this statement as strongly as I can make it. Our American business interests are being attacked from different directions at this time. If I, by my testimony, can show that one attack upon them at least has not been well founded, I feel it my duty, not only as a member of the committee but as a Senator, to refute such charges.

Mr. BACON. Mr. President, this is a matter of very grave importance, and I presume the joint resolution will go to the Committee on Foreign Relations. At least, I shall ask that it shall do so. Before making that motion, however, I wish to say a word with regard to the matter which has been brought to the attention of the Senate by the Senator from New Mexico, in order that the record may be correct.

It is true that the conditions now are entirely different from those which existed at the time the resolution of March, 1912, was adopted. At the time of the adoption of the resolution in March, 1912, there was a duly recognized Government in Mexico, of which Madero was the head. The revolution which was in progress presented the distinct aspect of a revolution by a portion of the people who were attempting to overturn an established and a recognized government. There is no doubt about what was the purpose of the Congress in the adoption of this resolution. The purpose was to discourage revolution in Mexico. The Senator from New Mexico is entirely mistaken if he thinks this resolution was adopted inadvertently, or without a distinct and direct purpose to be accomplished by it.

The Senator would indicate, from his criticisms upon what was done at that time, that the purpose was only to protect American citizens who were across the border by refusing the export of arms which might be used against them, and he now says that that purpose has been so signally defeated that the directly opposite result is now flowing from the operation of this law. The fact

is that this resolution was adopted in consequence of communications which came to the United States Government, and I may say to the President of the United States, presented by the authorities of the State of Texas. At that time, I repeat, Madero was the recognized, legitimate head, and his Government the recognized, established, and legitimate Government of Mexico.

It was represented to the President of the United States by the authorities of the State of Texas that the territory of the State of Texas was being used as a base where revolutionary organizations were being made, and from which revolutionary expeditions were being sent, for the purpose of disturbing the peace and overthrowing the authority of the established Government in Mexico, and that that was having the effect not only of putting in jeopardy the lives of Americans who were beyond the Mexican border but of creating disturbances and endangering life and the safety of property in the State of Texas.

Upon that representation, the President of the United States—and I do not think I am violating any propriety in stating these facts—sent for the Committee on Foreign Relations, of which I was then as now a member, but of which then the Senator from Illinois, Mr. Cullom, was the chairman; and most of the Senators who are now members of that committee were then members of it. The matter was one which was recognized not only as affecting the United States in general but as affecting particularly the State of Texas. While the members of the Committee on Foreign Relations were invited to go to the White House for the purpose of conferring with the President on the subject, the two Senators from Texas were also invited to be present, and were present. This emphasizes the fact which I have stated, that the complaint came from the authorities of the State of Texas, that the territory of Texas was being used for illegal purposes with a view of destroying a recognized and an established government.

There is no doubt, as I say, about the purpose of the resolution. It was to prevent the shipment of arms and munitions of war from Texas into Mexico, the design of which was to revolutionize that Government and to disturb the peace and overthrow the laws of that country.

As I say, the condition has changed. There is now no recognized government in Mexico so far as this Government is concerned. I am very frank to say, as I have said elsewhere, that I think the determination reached by our Government in that particular is a proper one, for the reason that in my view the Huerta government is as distinctively a revolutionary government as is the government which is headed by a Mexican chieftain whose name I do not now recall in the northern part of Mexico. We have now presented the condition of two contending factions in Mexico, neither of which we recognize to be the established government of the country, and each of which is perhaps entitled, the one as much as the other, to whatever privileges recognition may confer in the way of opportunities offered for carrying on the war.

That is a matter to be determined. It is a question whether or not it is to the interest and best policy of this Government to prohibit to any of the parties in that country the opportunity to secure arms and munitions of war for the purpose of carrying on the internecine war, or whether the door should be thrown open and each should have the same opportunity that is afforded to the other.

Mr. FALL. Mr. President, I have listened to the Senator so far with a great deal of pleasure, and I should like now to ask him a question.

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New Mexico?

Mr. BACON. Certainly.

Mr. FALL. The Senator has had a great many years of experience, as he says, in diplomatic matters. Would it be contrary to all the rules of diplomacy if he would tell the Senate now just what he thinks about this matter and what ought to be done under the existing conditions?

Mr. BACON. Does the Senator mean as to arms?

Mr. FALL. I mean, first, as to the shipment of arms; second, as to the matter of the treatment by this Government of its citizens who are in Mexico.

Mr. BACON. Mr. President, the Senator asks me a question which it would take me a good long time to answer, if I were to give all the views which I think I might possibly entertain, or do entertain, as indicating what we should do there in each particular. If the Senator means to inquire of me whether I think the Government of the United States ought to intervene in Mexico, I shall be very prompt to answer his question.

Mr. FALL. I did not ask the Senator for his reasons. I asked him if he had any opinion. That would not take long to express.

Mr. BACON. No; the Senator will pardon me, but he can not put me in a position which I do not occupy. I have said nothing about reasons. I said if the Senator desired me to give my opinion as to whether or not the Government of the United States should intervene in Mexico, I would give it to him very promptly. Does the Senator understand that?

Mr. FALL. Yes; the Senator understands it. I did not ask for any such opinion, however. I asked the Senator for answers to two distinct questions. I did not ask him for his opinion upon either of those matters, but simply as to whether he could answer those questions; and, if so, whether it would be contrary to his ideas of what was true diplomacy to give me answers to them.

Mr. BACON. Mr. President, at one moment the Senator says he is asking me for my opinion and not for my reasons; and, then, when I propose to give him my opinion he says he does not ask me for my opinion. Therefore, I must confess, I am a little at a loss to know how I am to answer the Senator's questions.

Mr. FALL. Then I might ask, making the distinction which the Senator understands, as a lawyer, between a decision and an opinion, whether he has arrived at a decision on any phase of the Mexican question except that the United States should not intervene?

Mr. BACON. Yes.

Mr. FALL. I make that distinction between a decision and an opinion because I do not want an opinion.

Mr. BACON. I have not the right to decide the matter, consequently I shall insist on giving my view as an opinion, with all due deference to the very fine and metaphysical distinction drawn by the learned and distinguished Senator from New Mexico.

In my opinion a citizen of the United States in Mexico is entitled to exactly the same protection that a citizen of the United States in any other country is entitled to when he gets into trouble—no more and no less. I do not think it is practicable for the Government of the United States to go into Mexico and extend its physical protection to a citizen of the United States, and redress his wrongs in Mexico without armed intervention. I know of no way in which the Government can physically extend protection to a citizen of the United States in Mexico, or redress wrongs by force and compulsion in Mexico, other than by force and intervention. Possibly the Senator from New Mexico does know some way in which that can be done.

Mr. FALL. No, Mr. President; if the Senator will yield for a moment.

The VICE PRESIDENT. Does the Senator from Georgia further yield to the Senator from New Mexico?

Mr. BACON. Certainly.

Mr. FALL. The American people in Mexico have not asked for intervention, Mr. President. They have asked that the present diplomatic policy of the United States be done away with just for a little while, and that we go back to true Jeffersonian and Hamiltonian principles in our diplomacy.

Mr. BACON. Diplomacy can not enforce anything in Mexico or anywhere else outside of the territory of the United States Government. Diplomacy may secure redress, but not through force. Diplomacy stops when force begins to exert its power. Everybody knows that. Fine words can not make a distinction which does not exist. Therefore, I say that while it is our duty to extend in all possible ways our assistance to citizens of the United States in Mexico who may be in trouble, we can not undertake by force to give protection to a citizen in Mexico except by armed intervention.

Mr. LODGE. Will the Senator yield to me for a moment?

Mr. BACON. Certainly.

The VICE PRESIDENT. The Chair desires to announce that the Chair seems not to be addressed, and has not been today.

Mr. LODGE. The Chair is quite correct.

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. I do.

Mr. LODGE. The Senator speaks about diplomacy and the inability to enforce it. As a general proposition of course that is quite true. But under treaties and general international law we, in common with all other nations, have certain rights in regard to which it is possible for diplomacy to do a great deal.

Mr. BACON. Oh, yes.

Mr. LODGE. A short time ago a German was killed in Mexico, and his wife and I think a child or some one else with him, under circumstances of the most revolting cruelty. Through the German minister, without any threat of war, but through diplomatic methods, they got within a few days, as soon as the facts were known, an indemnity of 100,000 marks

for that German and his family. If I am correctly informed, some 80 Americans have been killed in Mexico, and I do not know how much property has been destroyed. If we have received any indemnity, either under the last administration or under this administration, I have failed to discover it.

Mr. BACON. All that may be true.

Mr. LODGE. Diplomacy can do a great deal after all.

Mr. FALL. Will the Senator yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Georgia further yield to the Senator from New Mexico?

Mr. BACON. If the Senator will permit me, I should like to reply to the Senator from Massachusetts before I yield to the Senator from New Mexico.

Mr. FALL. I simply want to add another matter to that which has been stated.

Mr. BACON. The statement made by the Senator from Massachusetts in no wise conflicts with the proposition submitted by myself. That is, that it is the duty of this Government to do for any citizen of the United States who may be within the territory of Mexico just exactly what it would do for any one of its citizens in any other country when that citizen got into trouble, and that whatever can be accomplished by diplomacy or any other method short of force should be accomplished. Possibly the Senator was not in his seat when I made that statement, or I would not have been the subject of his criticism.

Mr. LODGE. No; I was not. I simply heard the Senator's last statement. But if the Senator will permit me, and then I will not interrupt him again, my complaint is that all that diplomacy can effect——

Mr. BACON. Should be done.

Mr. LODGE (continuing). Which is very much when it is backed up by its own government, as the consuls and ambassadors ought to be, has not been done in Mexico. Our consuls have not been backed up. On the contrary, I am certain that they have received in times past—I will not say under this administration, but under the last, perhaps—a very definite warning, the old French warning, "Not too much zeal." My contention is that we have not done all we ought to do through diplomatic and consular channels.

Mr. BACON. Does the Senator mean, when he uses the term "backed up," that they should be backed up by other than diplomatic methods?

Mr. LODGE. I do not.

Mr. BACON. Then there is no trouble between the Senator and myself.

Mr. LODGE. Oh, certainly not.

Mr. BACON. I go as far as he does.

Mr. SMITH of Arizona. Suppose diplomacy utterly fails?

Mr. LODGE. That is another question.

Mr. BACON. When diplomacy fails, then it is a question whether or not force shall be used.

Mr. FALL. Mr. President, may I ask the Senator a question?

Mr. BACON. One moment; let me reply to the Senator from Arizona. I will give the Senator from New Mexico all the time and all the opportunity he wants.

The Senator from Arizona asks what shall be done in case diplomacy fails. When diplomacy fails, it is then always a question for every Government whether or not the controversy is one which will justify a war or whether it shall be submitted to arbitration. Those are questions to be determined when the contingency arises. The time certainly has not yet come when we can say with propriety that we will go to war with Mexico or decide that we will submit the matter to arbitration. There is no authority there with whom we can arbitrate; and the time has not come when, by reason of the injuries which have been inflicted upon our citizens, we should resort to war.

Mr. SMITH of Arizona. If the Senator will permit me, how long, then, would civilization permit to go on the crimes which are constantly being perpetrated there, and we the nearest neighbor? I believe that was the excuse given for our intervention in Cuba—that crimes against all the laws of civilization were being committed.

Mr. BACON. The Senator means to inquire how long we shall stop before we intervene by force. Is that the meaning of the Senator?

Mr. SMITH of Arizona. How long it shall continue.

Mr. BACON. Is that what the Senator means when he asks how long it shall continue? Does he mean how long we shall permit it to continue before we make armed intervention in Mexico?

Mr. SMITH of Arizona. Yes, sir.

Mr. BACON. Mr. President, that brings me to a suggestion which I did not intend to make, but which I think the question of the Senator from Arizona and what has been said by the Senator from New Mexico probably justifies that I should make.

ASSIGNMENT OF DISTRICT JUDGES.

The VICE PRESIDENT. The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2254) to amend chapter 1, section 18, of the Judicial Code.

Mr. O'GORMAN. I move that the bill be recommitted to the Committee on the Judiciary.

The motion was agreed to.

EXPORTATION OF ARMS TO MEXICO.

The Senate resumed the consideration of the joint resolution (S. J. Res. 43) to repeal the joint resolution of March 14, 1912, authorizing the President to prohibit the exportation of arms, etc.

Mr. BACON. Mr. President, I think the question of the Senator from Arizona should be replied to. I think the Senator has put the matter in a shape which was evidently in the mind of the Senator from New Mexico, but the Senator from New Mexico would not come square up to the scratch. That is the difference between them. The Senator from New Mexico and the Senator from Arizona evidently desire that this country should intervene forcibly in Mexico and endeavor by its Army and Navy to reestablish order. Mr. President, that is a very large proposition.

Mr. SMITH of Arizona. If the Senator will permit me——

Mr. BACON. I was replying to the Senator's inquiry.

Mr. SMITH of Arizona. I wish to say that the Senator puts me in an attitude that I do not entirely entertain. I was asking for information from the large experience of my friend the Senator in such questions as to how long a civilized country can sit idly by and see its citizens murdered and its property destroyed; its sailors from its own battleships on the streets of a city, when unarmed, shot down by officers or alleged officers of that country. I was asking the Senator's judgment.

I will also add that the destruction of their own property has gone to a point where they are now utterly unable to respond in damages for what we have already suffered from them. How far, I ask, under those circumstances shall it go before the last resort must be had?

I was not giving it so much, as the Senator supposed, as my present purpose to advise intervention in Mexico, but rather to get the Senator's idea as to how long we should delay before the last step is taken.

Mr. BACON. Mr. President, the inquiry of the Senator when he recites certain facts as a predicate for his inquiry means only one thing, and that is whether under the circumstances narrated by him the time has come for intervention. So there is no difference, at least, between the question as I presented it and the question as propounded by him now.

I can not go that length, Mr. President. But I just want to say one thing. In the first place, everybody who gives this matter any reflection recognizes that intervention in Mexico does not mean a temporary incursion or a temporary occupation. It means an occupation of that country by a great American Army to stay there for a generation, and then in all probability, and in the judgment of those who have given the matter the most thought, for all time. We should certainly give ourselves pause before we do that.

It is an easily demonstrable proposition that it would be much cheaper for the United States Government to pay not only for every dollar of damage that has been inflicted by these disorders in Mexico upon the property and persons of American citizens, but also to pay for every particle of property owned in the Republic of Mexico by American citizens than it would be to go to the expense which would be involved in a war of that kind, interminable as it would be, and involving consequences which would necessarily revolutionize our own institutions, besides imposing another great pension list the burden of which would be borne by our people for two generations to come.

Mr. President, as to what we will do in Mexico I want to say one word, and I will be glad if the Mexicans themselves can hear it. It is that the responsibility is upon them for the restoration of order in that country and for the erection and maintenance of a civilized and an orderly government, capable of enforcing law and of putting down revolution.

And, Mr. President, what I particularly want to say is that there is but one thing necessary to be done to accomplish that, and that is for the better class of the people of Mexico—those who have the education, those who have the social standing, those who have the property—to be willing to take their lives in their hands for the purpose of maintaining order in their own country.

It is a fact, Mr. President, if my information is correct, that the class of people of whom I have spoken are not willing to take their lives in their hands for the purpose of maintaining order, of enforcing law, and maintaining established government in that country; that men who have property, white men, the intelligent classes, the social classes in Mexico, sit back and are unwilling to take arms in their hands for the purpose of establishing order in Mexico. Whenever they are willing to do that there is no trouble about their establishing order in Mexico. If that were the condition in this country, there would be white men who would take arms in their hands and risk their lives and shed their blood for the purpose of restoring order and maintaining good government; and order can be restored and good government can be maintained in Mexico whenever the white men of Mexico are ready to risk their lives for that purpose.

Mr. President, I have made some inquiry about this matter. I have asked how many white men there are in the city of Mexico. I am told that there are between two and three hundred thousand white population in the City of Mexico. That means at least 40,000 white men between 18 and 45 years of age who can be enrolled in an army, and 40,000 white men, if put into an army, can rule Mexico under present conditions. Forty thousand organized and disciplined white men, intent on restoring good government can easily put down the roving bands of revolutionists in that country.

I have inquired how many white men there are in the Republic of Mexico. I am told that there are three and a half million white men. I am told that of the entire three and a half million it is only here and there that a white man can be found who is willing to risk his life for the purpose of restoring order in the country. They are sitting back in personal security and letting brigands, because they are nothing more, enlist all the revolutionary, anarchistic elements in that country, people who like the license of war and plunder and ravage under the forms of war; and it is nothing in the world but brigandage. They are perfectly willing that their country should be tramped and marked from one end to the other by these irresponsible bandits, and they sit back in security in their clubs and in their city residences and on their estates and are unwilling to take arms in their hands for the purpose of defending their own country against anarchy and rapine and unbridled license.

When the men who own the property, the men of social and business standing, the men having the most at stake, are not willing to spill their blood to protect themselves and their property and social institutions they are calling upon the United States Government for help. They would involve us in an expenditure of untold treasure and have this country shed its blood for the purpose of establishing government and maintaining law and order in that country when they themselves are not willing to take the risk that they demand of us for that purpose. When these white men in Mexico do their whole duty and fail, when they take their lives in their hands in an honest effort to save their country and fail, then it will be time enough to look to us for aid.

Mr. SMITH of Arizona. Mr. President——

Mr. BACON. Let the Mexican people hear us, and let them know that it is known in the United States that the men of position, the men of property, the men of social standing, the men who pride themselves on their lineage are not willing to take their lives in their hands in order to have good government in that country, and that they are sitting back supinely and asking the United States Government to do it. For one I shall never agree to it. I do not know whether I have made myself definite or not. The Senator from New Mexico talks about my dealing in diplomacy. If that is diplomacy, let us have some plain talking.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Arizona?

Mr. BACON. I do.

Mr. SMITH of Arizona. I do not know what white people the Senator refers to in the Republic of Mexico. As to the white Americans in Mexico, there are very few of them citizens of that Republic.

Mr. BACON. I am not speaking of them at all. I did not have them in my mind.

Mr. SMITH of Arizona. Of the Americans there, a large number are poor people working for wages on property there belonging to Americans. As to the people of Mexico, as far as my observations have gone and from what reading I have done of that country, it is a question of pure jealousy between the leaders of the parties and as to which one should do the ruling.

Mr. BACON. Exactly; and the men who should do the ruling, the men who should decide matters, are carefully taking care of themselves and trying to take care of their property, and particularly, above all things, trying to avoid the spilling of a drop of their own blood. That is what my information is. If I am wrong, if it be true that the white men of Mexico are not thus abandoning their duty, if it be true that they have arms in their hands, of course that presents a different question; but I understand that about the only white men in the field are generally leaders of these revolutionary bands, or aspiring to be such. If I am misrepresenting them, I am ready to retract it in the same place where I have made the charge.

Mr. President, I do not believe there will ever be a question about the truth of it, because I have made this inquiry from men in position to know, and I am told it is a fact that the men who have property, the men who have education, the men who have social standing, the men who have most to lose by revolution and most to gain by a well ordered and established government, will not take arms in their hands for the purpose of endeavoring to secure conditions in Mexico which would make their lives and their property safe and their institutions in harmony with that of other civilized nations.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Nebraska?

Mr. BACON. I do.

Mr. NORRIS. I should like to ask the Senator in reference to the joint resolution that is now before the Senate whether, in his judgment, the United States Government ought to treat the two present contending factions in Mexico the same, as far as permission to buy and transport arms and ammunition from this country is concerned?

Mr. BACON. Mr. President, I want to speak frankly to the Senator. I prefer that that question shall be carefully considered by the committee. I do not hesitate to say, though, speaking personally, that in the absence of a recognition of Huerta and in the belief which I entertain that his government is as much of a revolutionary government as that of the government now organized and having arms in the field in northern Mexico, in my opinion, we should, as far as practicable, equalize conditions between them.

Mr. NORRIS. As I understand it, we are not doing that at the present time.

Mr. BACON. If we are not, it is not due to the joint resolution of March 14, 1912.

Mr. NORRIS. Probably not.

Mr. BACON. That is what I wanted to call attention to. The joint resolution of March 14, 1912, does not make any difference between them. If the joint resolution is being complied with, there is no authority for any distinction between them, because the proclamation of the President prohibited the shipment of arms and munitions of war and did not distinguish between one party and the other party.

Mr. NORRIS. I understand there is a discrimination now.

Mr. BACON. Not under the joint resolution.

Mr. NORRIS. No; but under the operation of the joint resolution and the proclamation of the President there is a difference made between arms and ammunition going to the so-called Huerta government and the so-called insurgent government; and if there should be a difference, would it not follow that the Government logically ought to recognize——

Mr. BACON. If there is any difference it is the difference being made by the Executive order or by those who have charge of the enforcement of the law, who are doing it without Executive order, but it is not due to any defect in the joint resolution.

Mr. NORRIS. I might be wrong about it, but as I understand the situation it could have no legal effect until put in operation by the proclamation of the President, and the President did issue such proclamation, and it is under that proclamation that the discriminations take place.

Mr. BACON. The Senator is mistaken.

Mr. NORRIS. It is not by virtue of the proclamation, because the proclamation does not make any distinction. It may be done in violation of the proclamation.

Mr. BACON. Perhaps it is in violation of the President's proclamation. Very well; that is an entirely different proposition.

Mr. NORRIS. I concede it is. The question I was trying to get the Senator's opinion on is whether under existing conditions the two contending factions in Mexico should not be treated exactly alike by our Government.

Mr. BACON. I think the Senator will bear witness to the fact that I have answered that question.

Mr. NORRIS. I rather think the Senator has.

Mr. BACON. The Senator is repeating it as if I had not.

Mr. NORRIS. The Senator answered it, but said several other things incidentally that indicated to me at least that he had not answered it, and I wanted to call his attention particularly to the question.

Mr. BACON. I wish to say simply this, that while that is the present impression upon my mind, and it appears to me to be just and right, at the same time it is a matter of such gravity that I would not be willing to act without the careful consideration of the committee which is specially charged with the consideration of questions of that kind. I might be the only member of that committee who thought that way. I do not know. I think, anyhow, that the matter should be very carefully guarded, because we must bear in mind the fact that the origin of the joint resolution was dealing with an evil in the State of Texas, and it came before the Congress of the United States through a representation made by the President of the United States in consequence of an appeal made by the authorities of Texas. So we have not only in the question what regulation shall be made to look to the question of justice between these two contending revolutionary factions, but we have to carefully guard the interests of our own people, not only in Mexico but more particularly our people on our side of the line, because every man who goes on the other side necessarily goes there with a knowledge of the fact that he takes a risk when he goes in any country of that kind.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New Mexico?

Mr. BACON. I do.

Mr. FALL. I notice on page 3258 of the RECORD of March 13, 1912, a statement made with reference to the joint resolution in which the name of Texas is used, and then the purpose of the joint resolution is set forth. I stated this, I think, in my opening, and I will read it from the RECORD. The statement made by the Senator from New York [Mr. ROOT], and it was the only statement made with reference to it, was the following:

> The situation in Texas is such that it does not admit of delay for the purpose of the general reform of our neutrality laws, and the people of Texas are deeply interested in having this extension of power to the President made immediately.
>
> With the extension of the application of the joint resolution from seaports to all places in the United States, the committee thought it was advisable to put some limitations upon the power which is included in the existing law, and so the power of the President to forbid the exportation of arms and munitions has been limited to countries in which he finds that domestic violence is being promoted by the procurement of arms and munitions of war from the United States. At the same time a penalty is affixed for the violation of the prohibition.
>
> The conditions are such that thousands of Americans in Mexico are now fleeing from their homes there and are abandoning their occupations, their mines, their manufactories, and their business because it is necessary to do so to prevent their lives from being destroyed by arms and munitions which are being sold and transported across the border from the United States.

Mr. BACON. Yes; that is true; but it is also true, as stated by me, that the initiation of this matter was due to an appeal by the authorities of the State of Texas, and that, in recognition of that fact, when the President of the United States invited the Foreign Relations Committee to meet with him in the White House, with the Secretary of State present—I am not sure that it was the Secretary or whether it was one of his assistants, but certainly the State Department was represented—it was recognized by him at the same time that Texas was so immediately interested in it that the Senators from Texas should be invited to be present, and that they were present at that conference.

Mr. President, I merely want to say one other word in regard to the condition in Mexico and the responsibility resting upon the men who have the greatest stake in that country, to wit, the men who have the property, the men of intelligence, the men of education, and the men of social standing. As I have said before, in a discussion of this matter, it was suggested to me, when I spoke of the failure of the white men in that country to take arms in their hands and establish a government and maintain order, that they were scattered. It was then I made the inquiry as to the respective numbers, and I asked "How many are there in the whole of Mexico?" I was told there were about three and a half million white men in Mexico.

Mr. FALL. Does the Senator——

Mr. BACON. If the Senator will pardon me until I finish that statement—I have not quite finished—I will then yield to the Senator.

Mr. FALL. I suppose the Senator wants his statement to be correct.

Mr. BACON. I will yield to the Senator at the proper time, but not in the middle of a sentence.

When it was suggested that they were scattered I then asked the question, "How many are there in the City of Mexico?" I was told there were between two hundred and three hundred thousand. I take up the calculation where I left it off, that there is right in the City of Mexico an army large enough under present conditions, and in view of the character of the roving bands which kick up all the fuss in Mexico and keep up all the disorder and revolution, there are in Mexico City itself enough white men when organized to restore order and to establish a proper government; but when you come to talk about the entire white population of Mexico—and in this I have no reference whatever to Americans, but I am talking about Mexicans—three millions and a half of white people mean, at the very lowest calculation, a half million of men between the ages of 18 and 45 years; and who doubts the fact that that half million of men—interested in the property of that country, vitally interested in the establishment and maintenance of good government and in the enforcement of the law—if they are ready to take arms in their hands and use them, can restore order and establish the good government in Mexico that some are now indirectly or directly appealing to us to establish for them.

Now I yield to the Senator from New Mexico.

Mr. FALL. The Senator from Georgia seems to object, Mr. President, and I have no further desire to interrupt him. I will later make a statement which I think may possibly cast some light on the subject.

Mr. BACON. I did not catch what the Senator from New Mexico said.

Mr. FALL. I said that the Senator, it seems to me, objects to the Senator from New Mexico interrupting him.

Mr. BACON. That is an utterly unwarranted statement.

Mr. FALL. I leave that to the record, Mr. President.

Mr. BACON. I objected to the Senator interrupting me in the middle of a sentence, but stated to him that I would yield when I got through. The Senator well knows the fact that I do not object to his interrupting me.

Mr. FALL. I call the attention of the Chair to the fact that I have not addressed the Senator nor opened my mouth except after addressing the Chair and having recognition of the Chair and the Chair asking the Senator to yield, and then the Senator would invariably break in with the statement that he did not want to be interrupted at that time. That is what I have reference to.

Mr. BACON. But with the promise that the Senator would be yielded to and be permitted to interrupt, and he has been so permitted. When the Senator intimates to the contrary, he is not justified by the facts.

Mr. FALL. I disagree with the Senator from Georgia; that is all.

Mr. BACON. Mr. President, I move that the resolution be referred to the Committee on Foreign Relations.

Mr. WILLIAMS. Mr. President, I desire to say a few words.

Mr. FALL. Mr. President, will the Senator from Mississippi yield to me for just one moment? I want to put a statement in the RECORD if I can.

Mr. WILLIAMS. Certainly, I yield.

Mr. FALL. Mr. President, there has been a great deal of talk about the condition of affairs in Mexico, the wealth of Mexico, and so forth, and the property interests of Americans. I desire to call the attention of the Senate to the statement from the official records of the State Department—I will say that it is not exactly accurate, as I happen to know, but the proportionate amounts are approximately correct—as to the total wealth of Mexico and who holds it.

As to the total wealth of the Republic of Mexico, Mr. President—remember, now, that this leaves out very largely the land holdings and the land lot values—the Americans have $1,057,770,000 worth of property, and the Mexicans themselves, including all the real estate, town lots, and property of that kind, have $792,187,242. Of the total valuation of the property of Mexico to-day Americans from the United States own 48 per cent, while the Mexicans own less than 28 per cent. You would relegate us to diplomacy to recover our money through taxation, taxing ourselves 48 per cent to pay back to ourselves the money and the property of which we have been deprived.

Mr. President, I hold in my hand a full schedule taken from the consular reports in the office of the State Department, and, if possible, I should like to have it spread upon the record for the information of the Senate. It contains the American, English, French, Mexican, and all other totals and percentages of property owned in that Republic by the Mexicans and by other people.

The VICE PRESIDENT. Is there objection to the request? The Chair hears none, and the paper will be printed in the RECORD.

The schedule referred to follows.

Wealth of Mexico.

Class.	Valuations.						Per cent.				
	American.	English.	French.	Mexican.	All other.	Total.	American.	English.	French.	Mexican.	All other.
Railway stocks	$235,464,000	$81,237,800		$125,440,000	$75,000	$442,216,800	0.5324	0.1837		0.2837	0.0012
Railway bonds	408,926,000	87,680,000	$17,000,000	12,275,000	38,535,380	564,416,380	.7245	.1553	0.0301	.0218	.0683
Bank stocks	7,850,000	5,000,000	31,000,000	31,950,000	3,250,000	79,050,000	.0993	.0633	.3921	.4042	.0411
Bank deposits	22,700,000			161,963,042	18,560,000	203,223,042	.1117			.7970	.0913
Mines	223,000,000	43,600,000	5,000,000	7,500,000	7,830,000	286,930,000	.7770	.1520	.0175	.0262	.0273
Smelters	26,500,000			7,200,000	3,000,000	36,700,000	.7221			.1962	.0817
National bonds	52,000,000	67,000,000	60,000,000	21,000,000		200,000,000	.2600	.3350	.3000	.1050	
Timberlands	8,100,000	10,300,000		5,600,000	750,000	24,750,000	.3272	.4162		.2263	.0303
Ranches	3,150,000	2,700,000		14,000,000		19,850,000	.1587	.1360		.7053	
Farms	900,000	700,000		47,000,000	1,230,000	49,970,000	.0192	.0152		.9406	.0250
Live stock	9,000,000			47,450,000	3,800,000	60,250,000	.1493			.7876	.0631
Houses and personal property	4,500,000	680,000		127,020,000	2,760,000	134,960,000	.0333	.0050		.9412	.0205
Cotton mills		450,000	19,000,000	6,000,000	4,750,000	30,200,000		.0149	.6291	.1987	.1573
Soap factories	1,200,000			2,780,000	3,600,000	7,580,000	.1583			.3668	.4749
Tobacco factories			3,238,000	4,712,000	895,000	8,845,000			.3661	.5327	.1012
Breweries	600,000		178,000	2,822,000	1,220,000	4,850,000	.1237		.0367	.5818	.2578
Factories, miscellaneous	2,600,00	2,780,000		3,270,200	3,000,000	18,650,200	.5147	.1491		.1754	.1608
Tramways, power and electric light plants	760,000	8,000,000		5,155,000	275,000	14,190,000	.0536	.5638		.3633	.0193
Stores, wholesale	2,700,000	110,000	7,000,000	2,800,000	14,270,000	26,880,000	.1004	.0041	.2604	.1042	.5309
Stores, retail	1,680,000	30,000	680,000	71,235,000	2,175,000	75,800,000	.0222	.0004	.0090	.9398	.0286
Oil business	15,000,000	10,000,000		650,000		25,650,000	.5848	.3899		.0253	
Rubber industry	15,000,000			4,500,000	2,500,000	22,000,000	.6818			.2045	.1137
Professional outfits	3,600,000	850,000		1,560,000	1,100,000	7,110,000	.5063	.1181		.2194	.1532
Insurance	4,000,000			2,000,000	3,500,000	9,500,000	.4211			.2105	.3884
Theaters	20,000			1,575,000	500,000	2,095,000	.0095			.7518	.2387
Hotels	260,000			1,730,000	710,000	2,700,000	.0963			.6408	.2629
Institutions, public and semipublic	1,200,000	125,000	350,000	74,000,000	200,000	75,875,000	.0158	.0016	.0046	.9753	.0027
Total	1,057,770,000	321,302,800	143,446,000	792,187,242	118,535,380	2,434,241,422	[1].4345	[1].1320	[1].0589	[1].3259	[1].0487

[1] Average per cent.

The VICE PRESIDENT. The question is on the motion of the Senator from Georgia [Mr. BACON] to refer the resolution to the Committee on Foreign Relations.

Mr. WILLIAMS. If there are 500,000 white men in the Republic of Mexico who are not defending their homes and charging themselves with the maintenance of order, I apprehend that the trouble is that they are not armed. Unless the blood is peculiarly untrue to itself there, I can not account for the situation in any other way.

This debate has drifted very far from its moorings. The resolution offered by the Senator from New Mexico [Mr. FALL] is merely to repeal a resolution passed on March 14, 1912. So far as I am concerned, although it appears in the RECORD that I asked the Senator from New York a question concerning it, I did not apprehend that anything was being done except the strengthening of the neutrality laws of the United States. I had no idea that the time-honored neutrality laws and customs and practices of the United States were being repealed by an amendment to a war measure which was passed during the Spanish-American War. I should like to see the country go back to the principles which actuated it from the beginning and say to every American citizen, "You have a perfect right to sell arms or any other contraband of war, provided only you do so with the notice given you in advance"—which was given very far in advance, because I believe it was in the first year of George Washington's first administration, or, if not, the second year—"that you do your selling at your own risk." That is all there is involved in this joint resolution.

Mr. BACON. Mr. President, I repeat that I recognize that conditions have changed. It may be that this is a proper resolution to be adopted, but it ought to be carefully considered; and I have moved therefore that it be referred to the Committee on Foreign Relations.

Mr. FALL. Mr. President, I will say to the Senator that I have no objection to the consideration of the resolution by the Foreign Relations Committee, and, therefore, of its reference to that committee; but I do want to say that I am not a member of that committee, and I differ from some of its members very materially. I do not think that they understand, nor have they investigated, the conditions in Mexico and along our border. The conditions are exceedingly critical there. The Senator, I am going to say, will find himself in a position where he does not want to put himself nor put the United States by invoking just such action as he has been talking about now. You will have just such action before you want it, in my judgment, unless something is done to relieve the tension, and unless that is done soon, Mr. President, I fear that we are going to be dragged into a very much more serious situation than the chairman of the Foreign Relations Committee has the remotest idea of.

Mr. BACON. Mr. President, the Senator is probably not aware of the fact that the Committee on Foreign Relations have had considerable information in regard to this matter and have heard at length from parties who are well informed and who have been living in Mexico, one of them particularly, at the instance of the Senator from Arizona, who brought before us a very intelligent and well-informed man, identified with one of the largest industries in Mexico, who was heard at great length. We have also had others before our committee, but we will be very glad to have still further information; and I will say to the Senator that there will be no disposition on the part of myself, nor do I believe on the part of any other member of the committee, to delay a report in regard to this matter.

Mr. SMITH of Arizona. Mr. President, I have no purpose or intention of prolonging this debate. It has arisen unexpectedly to me, and what I may say here now must carry with it my confession of unpreparedness to properly discuss a question of such profound importance, not only to our southern sister Republic, with whom we have so long lived in amity, to our mutual advantage and happiness, but still more is it important to the honor and dignity of the United States and our responsibility to other nations and to the peace of the world. I have very pronounced opinions about the Mexican situation, but I shall endeavor to suppress the expression of much that I should like to say at this time, hoping that in the more quiet atmosphere of the Committee on Foreign Relations or in executive session of the Senate we may temperately reach such conclusions as is demanded of Congress by the unhappy and unfortunate conditions now confronting us. I want in the outset to say, in justice to my place on this floor as well as to the just sentiment of those who sent me here, that I share fully their opinions in regard to our previous course in the Mexican imbroglio, and I share the shame they feel when I see the course our Government pursued in failure to promptly and adequately act in protection of the lives and property of our citizens doing business in Mexico and at the invitation of that Republic and under the double guaranty of its law and the treaty obligations which subsist between that Republic and ours. Both the laws of Mexico and the treaty with us demanded fair and decent treatment of our citizens domiciled within her borders. This has not been accorded by Mexico. It should have been enforced by the United States. This could have been done in the first place by our Government assuming its ancient, time-honored, and proper attitude, by open proclamation, that the United States stood ready to protect its citizens on any inch of the globe, and that all force necessary would be used for that purpose.

Instead of that Mr. Taft warned, by proclamation, all citizens of the United States domiciled in Mexico to offer no resistance to any outrage but to peacefully get out of that country. This was tantamount to an invitation to Mexico to drive them out if the Americans failed to follow the advice of our President. Mexico accepted that invitation, acted on it, and, against every precedent of international law, against every dictate of justice, against every sentiment of modern civilization, that Republic proceeded to drive our people like flocks of sheep from their

homes, their business, and their last dollar of hard-earned property. The homes they left behind were destroyed, their crops ruined, and, penniless, hungry, and almost naked, they stood on their native soil, the objects of and the slight beneficiaries of our Government's charity. These people needed no charity from our Government; they deserved and should have had its protection. No better citizenship ever left our land or returned to it under such degradation.

Since the advent of Madero and the usual revolution attending any accession to power in that country our citizens have been appealing to the executive branch of our Government for that protection guaranteed by every civilized nation to its citizens, but their cry has been unheeded, and, as the Senator from Massachusetts [Mr. LODGE] has well said, "there has been a lack of even any sort of energetic diplomacy."

That our Government has often requested the Mexicans to cease their aggressions has been the most warlike, bristling, dangerous statement yet made, so far as I have been able to hear or see. I am not now criticizing the present administration, for it has inherited these difficulties and mistakes; but I make bold to suggest that the time has come for energetic and, if need be, drastic measures to secure the lives and property and peace of our people in Mexico.

The Democratic Party long ago wrote glorious history in defense of American citizenship. I confess to a prideful love of the old doctrine—the American historic doctrine—that a peaceful American citizen, obeying the law of the land where he is sojourning, has a right to expect and will receive from his home Government all proper protection, regardless of cost or consequences.

A government unwilling to go this far deserves the censure of its citizens rather than the love, the pride, and the devotion otherwise so generously accorded.

Mr. President, I have no feeling of antipathy against Mexico. I have reason for kindly feeling toward that unhappy land, for many of its people are personal friends of mine. I wish it no harm; but, on the contrary, desire to see and welcome its peace and happiness. Modern civilization, however, demands not only of Mexico, but of all nations, that needless and brutal and bloody war must cease within their borders. Civilization demands that Mexico should be pacified; that a civilized government should be permanently established there. And I believe it can be done without our intervention, which the Senator from Georgia [Mr. BACON] seems so much to fear or dread. In my judgment this can be accomplished by now, and at once, correcting the mistakes made by the Taft administration.

The Romero revolution against Diaz was aided by that administration, in that it permitted the alleged rebels to buy contraband of war supplies and whatever else they saw fit to purchase, free from any restraint or embargo imposed by our Government. When the revolution against Madero broke out, all at once our Government stood behind him and refused to permit any supplies—even of bread and meat—to be purchased by the revolutionists; these men, in large numbers, being the very men that fought in the ranks of Madero and had rebelled against him even as they and he had rebelled against Diaz.

I believe that if the Taft administration had acted in the rebellion against Romero as it acted in Romero's rebellion against Diaz not one life in twenty of peaceful American citizens would have been lost nor one dollar in the hundred of their property destroyed. But, be that as it may, we are confronted by great duties and equally great responsibilities at this very minute, responsibilities which must be met with firmness and justice, or even greater and more fateful problems will force themselves on us for a more tragic solution. If we longer dally—I forbear, as I fear to look on the unfolding drama. The time in utter fullness has come for a warning to Mexico, couched in no uncertain terms, directed to the inhabitants of that country under whatsoever leaders they act, regulars or revolutionists, that no further hand shall be laid in oppression on any peaceful citizen of this Republic abiding in their land, nor shall his property be taken from him except at the peril of our national displeasure, which will involve at last the decree of full satisfaction from the aggressor. Long ago such warning should have been given. If unheeded then, its penalties should have been enforced. It is a rotten, decayed Americanism that would excuse its failure of proper protection to its citizens under the easy plea that they had no business in Mexico, that they only went there to better their own condition, and that they should flee and leave all behind them when so directed. The Pilgrims landed on Plymouth Rock to improve their condition. Every man not born in the Western States went there for the same purpose. Every man of us has a right to go when and where he pleases for the same purpose, unless restrained by the laws of the country wherein we seek temporary domicile, and knowing that over our heads in all our lawful wanderings our country holds the shield of its protection. Outrages have been committed there against Americans that no money compensation could adequately measure. From correspondence as well as from the public press I am assured that men have been murdered there because they were Americans. That was their only crime.

As far as I know no compensation or redress has been demanded, no apology ever asked, and none certainly ever offered. These unspeakable outrages were visited on Americans because they were citizens of the United States, unshielded by their home Government and left, indeed, naked to their enemies. This statement is justified by comparison with the treatment accorded other nationalities similarly situated.

The Senator from New Mexico assured me the other day—if I fully remember his statement—that in the case of certain outrages on Chinese domiciled in Mexico, provision had been made by that Government to pay adequate and satisfactory damages to the Chinese Empire—or Republic, as now denominated—for the unwarranted assault on its subjects. This indemnity or redress was to be paid out of the loan then being negotiated by Mexico.

Of all the Americans killed in Mexico no offer of redress has been made, no excuse offered, no apology forthcoming. The inference is that China was more exacting in the face of national insult than we were, or else Mexico had more respect for China than for the United States, and made proper amends, out of a sense of decent duty to a friendly nation. These Chinamen were in Mexico just exactly as our citizens were in Mexico. Germany furnishes a more conspicuous example of national pride by collecting at once 100,000 marks for damages done several Germans in Mexico who were in that country under exactly the same circumstances and national guaranties that our 75 or 80 citizens were, who have been similarly killed by Mexicans and not one cent paid by Mexico or even demanded by us.

A still more conspicuous example claims our attention. In two battles between the warring factions in Mexico, one in Juarez opposite the city of El Paso, the other at Agua Prieta the little Mexican town just across the line dividing it from the city of Douglas, Ariz., many American residents of these two American cities were killed or wounded. American soldiers were near the line at both places.

They warned these factions not to fire across the line into our towns. No attention was paid to this warning. It was met with the usual contempt shown to us on all occasions. The then Secretary of State, when appealed to by the wounded and the representatives of the dead for redress, directed that those citizens wounded in their own town on American soil must first seek redress in the tribunals of Mexico before any right of diplomatic adjustment could arise. This monstrous proposition I met as best I could by introducing and having passed through this body a resolution creating a board of investigation, composed of officers of the Army of the United States, who proceeded under the terms of the resolution to El Paso and Douglas and took testimony and made findings as to the damages caused by this wanton violation of international law. On return of the report the Senate passed a bill to pay to the injured, out of our Treasury, the amounts found by the board and thus make the claim one by our Government against Mexico. The bill failed in the House, and at this session is again before the Committee on Foreign Relations of the Senate for action.

These incidents are cited to show that we have been long suffering and patient under boundless provocation. These outrages must cease. For the safety of our southern neighbor, for her prosperity and peace, I warn her, as I warn the Senate, that these intolerable outrages will have to stop or terrible reprisals will sooner or later follow.

Mr. VARDAMAN. Will the Senator yield for a question?

Mr. SMITH of Arizona. Certainly.

Mr. VARDAMAN. Are the State authorities not capable of dealing with the Mexicans who came on this side of the line and committed the crimes to which you refer?

Mr. SMITH of Arizona. The Senator evidently did not catch my statement fully. The Mexicans did not come on our side of the line; and if they had, I am sure the State would, as the Senator suggests, have found itself not only capable but quite willing to deal with the situation. The damage to our citizens was caused by the reckless firing of the Mexicans across the national line into our cities, and this after due warning from our people and the commanders of our troops stationed at these places. Right then and there was the time for our soldiers to cross the line and teach a lesson reviving the memory of Buena Vista, Sierra Gorda, Monterey, and Chapultepec. This should have been followed by the warning that wherever an outrage was thereafter committed against an American citizen in Mexico

the United States would not only demand redress but would, if necessary police with its soldiery the disturbing district to prevent similar recurrences.

Mr. President, what is to be the ultimate result of these frightful disturbances? Where and how will justice find a solution of the problems already presented? To the people of Mexico let us accord a proper desire to meet all international requirements by paying all proper damages to the injured sojourner within her gates and to the business interests which she has invited to her development. How are these damages to be paid? When are they to be settled? What revenue is to be found—from what sources raised—to meet the millions of dollars of damages suffered? As stated by my friend the Senator from New Mexico [Mr. FALL] over 40 per cent of all the property in the Republic of Mexico is owned by American citizens, while much of the remaining property there belongs to citizens of England, France, Germany, and Spain, with all of whom we are thus far happily on terms of perfect peace. I waive for the time any discussion of the Monroe doctrine and the obligations it may impose by demands of any of these powers on Mexico for redress of grievances and payment of damages. I think I discern some complications which it might be well to consider in advance.

In case we demand, as we surely must, that Mexico pay reasonable damages for wanton injury to life and property, where will the money come from? Inasmuch as fully two-thirds of the property in Mexico is alleged to belong to other people, then money derived from taxation must result in America, England, Germany, and Spain paying taxes on their own property to recoup the loss occasioned by the destruction of most of it. The property of our own citizens must be taxed to pay back to themselves the damages sustained by them. By the time they had paid themselves from such sources nothing of theirs would be left to tax.

I have no desire to proceed further. I have said this much merely as a warning to the Senate, and especially as a warning to the Republic of Mexico if, perchance, my words shall reach that far. I repeat that civilization and humanity demand the pacification of Mexico. Pray God that Mexico herself may find in herself virtue and courage enough to accomplish speedily that great result.

Mr. GALLINGER. Mr. President, I desire to ask the Senator how he explains the fact narrated by the Senator from Massachusetts [Mr. LODGE] that when a German subject was killed in Mexico and demand for reparation was made the Mexican Government promptly paid an indemnity to Germany, while it seems that numerous American citizens have been killed and no reparation whatever has been made?

One further observation: A citizen in my State, with a partner or two, has $400,000 invested in Mexico. He went to Mexico a while ago to look into that matter and to make some inquiries. He asked a gentleman, I think in Mexico City, to introduce him to a Mexican official. The gentleman said to him, "I will introduce you as a German, but not as an American. If you want any favors, you must not come here asking them as an American." He said he was introduced as a German, and as he has a name that sounds somewhat like a German name he received courteous treatment, although his property had been practically destroyed. How does the Senator explain the difference?

Mr. VARDAMAN. Will the Senator, before he takes his seat, tell me when that conversation occurred? Did it occur recently?

Mr. GALLINGER. Very recently.

Mr. VARDAMAN. This year?

Mr. GALLINGER. This year.

Mr. SMITH of Arizona. It is as simple as any proposition can possibly be. They have respect for Germany. Our treatment and our actions in that behalf have been such that they have no respect for us. When the commander of the German war vessel went to the Madero Government and told it that there had been an outrage committed on a German citizen, he demanded in the name of the Emperor indemnity for it. He was told, so I have been informed, "Congress is not in session and we can not pay without warrant of Congress." He replied: "Well, I will not go back on board my vessel until I get it." He got the 100,000 marks.

What did the people that you and I know ever get from that Government for similar damages?

Mr. President, our people did not go as wild adventurers into Mexico. Every inducement was held out by that Republic to American capital. We were invited there under promise direct of full protection. Our people accepted the invitation in good faith, and carried millions on millions of dollars, and spent it in paying labor an unprecedented wage in developing the great resources of that country. And when all this money and the labor of years besides is turned to Dead Sea fruit, gentlemen here say to us we had no business going there. But these retorts come from a class of men who never went anywhere. And Jamestown and Plymouth would mark all American progress up to this hour if men only such as these had sprung from the loins of those heroic pioneers who braved the unknown deep and established the first settlements on the eastern shores of this continent.

Particularly was this invitation of Mexico extended to the members of those Mormon colonies who settled on land granted by the Republic, and to whom every guaranty of protection was accorded. These men were American citizens, and in all our land there has not been found a more frugal, industrious, courageous, law-abiding citizenship, and in all Mexico there was no settlement that did more by example to teach the natives the art and the value of agriculture, and the equally important lesson of obedience to law, the rewards of honest industry, and the happiness of peace.

These men and women were not afraid of work, nor were they afraid of foes. They had the will and courage to defend themselves against brigands and robbers. But after they had through years of toil established comfortable—yes, prosperous—homes they were told by our then President not to resist any aggression, but in case of any trouble to come away and leave behind the accumulation of years of patient toil. Thus admonished they could not resist and were driven back penniless to our shores. Their houses, as I have before said, were destroyed; their stock confiscated in mere wanton, devilish malice; their household furniture was demolished, carpets cut in shreds from the floor, and the land which they had made to bloom was left unto them desolate. No protest from our Government was ever made to Mexico as far as I know. If made, it was never heeded. Their condition on returning to their native soil was such that common justice forced me to appeal to Congress and persuaded Congress to give from the Public Treasury many thousand dollars to relieve their hunger and clothe their nakedness. It was humiliating to our national pride to so use the national funds, and far more humiliating to these brave and self-reliant people to be forced from necessity to accept it. These men, some of them burdened with the weight of many years, are starting out again where in youth they started, to provide, if may be, a shelter from the storms of their last days. In the light of these facts do you wonder why the ordinary Mexican in Mexico has no respect for an American within her borders, and equally as little respect—yes, worse than that, actual contempt—for our Government? This is mildly illustrated by their offer to pay $500 for each American killed by the Mexicans firing across the line into the cities of Douglas and El Paso.

In vain does the Senator from Georgia [Mr. BACON] appeal to the patriotism of what he designates as the white men of Mexico. It will not move them to action in the pacification of their own country, nor will his impassioned appeal to their patriotism protect one American life in Mexico or guarantee one dollar of American property against extortion or confiscation. If their own patriotism does not avail to protect themselves and their property from violence at the hands of their own neighbors, how worse than vain it is for us to hope that protection will be accorded to our people.

Mr. President, the question is grave and urgently presses for a quick and just settlement. Under present conditions we can not recognize the present Government. We are equally prohibited by various reasons from recognition of belligerency. One thing to my mind is sure and clear, and that is that the order issued by President Taft preventing our trade in anything we please with Mexico or any of its citizens should be rescinded. The resolution presented by the Senator from New Mexico [Mr. FALL] should be reported to the Senate and passed at once. If we refuse to give due protection to our own citizens, we should at least permit them to buy and bear arms for their own protection. If Huerta can not suppress insurrection in Mexico, why should we lay embargo on American trade with the people of Mexico? A tragic comedy of errors—if you will permit the paradox—has attended our whole dealing with this delicate subject. It is up to Congress to act. While I hope without hope that this Congress will adjourn at an early date, I further and more earnestly hope that before it ends we shall give to this question the consideration that national self-respect and common civilization so urgently requires at our hands and some means other than taxation of the injured may be found to pay the damages inflicted.

Mr. BACON. I should like to ask the Senator a question. The Senator deprecates the possibility that when damages are paid, a large proportion of the indemnity money will be raised from

taxation upon property owned by Americans in Mexico. That is what I understood the Senator to say.

Mr. SMITH of Arizona. Yes.

Mr. BACON. I should like to ask the Senator from what other source the money is to be obtained for the payment of indemnity, except the source of general taxation on all property in the country?

Mr. SMITH of Arizona. Oh, we had one other settlement with Mexico before. The question does not even need an answer.

Mr. BACON. What I mean is that the Government itself can not get the money to pay indemnity except in the very way the Senator deprecates.

Mr. SMITH of Arizona. Yes; it has other ways of payment.

Mr. BACON. How?

Mr. SMITH of Arizona. If I were going to have my way, I would make an arrangement of this kind with Mexico, if the Senator wants my real opinion about it——

Mr. BACON. Yes; I do.

Mr. SMITH of Arizona. I would take, under an agreement with them, the Colorado River, which is already troubling our people, under an order of one of the departments, from its mouth clear up into Colorado. I would extend the line of Arizona from the corner of New Mexico straight to the West until it struck the northern part of the Gulf, and I would make provision with Mexico to take in southern California.

Mr. BACON. I understand the Senator now.

Mr. SMITH of Arizona. Then, from these sources—and if these are not enough, I would have enough more added to the northern boundary—let our Government itself realize the money to pay the damages which our people have already sustained, and which Mexico is unable to pay otherwise.

Mr. BACON. Very well. I am very glad I asked the Senator the question, because we now know exactly what he is after. Before that I was a little troubled to know how an indemnity was going to be had which would not include in the burdens imposed the proceeds from taxation upon property situated in that country which belongs to American citizens; but the Senator has made that plain.

Mr. SMITH of Arizona. Let me ask the Senator a question.

Mr. BACON. I understand the Senator fully.

Mr. SMITH of Arizona. It may be, but I do not understand the Senator from Georgia fully.

Mr. BACON. The Senator now proposes to take a big section of that country. My opinion is that whenever we yield to such appeals as we have now and undertake to police—which means nothing else than invade—that country by an armed force, we are going to take not only the particular little section that the Senator refers to——

Mr. SMITH of Arizona. I protest against the language of the Senator. I did not say that. I did not say "take."

Mr. BACON. What does the Senator mean?

Mr. SMITH of Arizona. I said I would make an arrangement, if possible, with the Republic of Mexico whereby we would be put in possession of, or "take," if you please, under that restriction, this particular part of her territory. Let me ask the Senator a question.

Is the Senator ready, then, out of the magnificence of his desire to see that we maintain perfect relations with that country, to vote out of the Treasury of the United States, unequivocally, damages for the people of the United States that have been outraged in Mexico?

Mr. BACON. Most undoubtedly not.

Mr. SMITH of Arizona. Undoubtedly not? Then how are you going to get damages for our citizens outraged in Mexico?

Mr. BACON. I suppose that when we get them it will have to be in the way of money received by the Government of Mexico from general taxation. But I understand the Senator's proposition to be—I do not know what word to use in the place of "take"—to get in some way, without taking, the northern quarter of Mexico as indemnity.

Mr. SMITH of Arizona. That is not a proper statement. I never made any such statement as that. I did not include one one-twentieth part of the northern quarter of Mexico in my statement.

Mr. BACON. I was mistaken about the geography, then.

Mr. SMITH of Arizona. Mr. President, this colloquy reveals the different sentiment prevailing here. No Senator here feels a sympathy deeper than mine for the present unhappy condition of Mexico. No man here or elsewhere desires more than I to see our sister Republic prosperous, peaceful, and happy. Yet, while animated by this desire for her glory, I owe an equal—yea greater—obligation to our citizens and our own honor as a Nation. No conquest of Mexico could add anything to our renown; no war with her is necessary if her people will cease depredations on our people and make reparation for damage already done. Civilization demands this.

The common dictates of humanity require it. Decent respect for our rights would secure safety and peace to our citizens domiciled in Mexico. Such decent respect must be accorded. These depredations must cease or the consequences and all responsibility for them must rest on the offending country. This is no time to dally. Any further delay in enforcing our just demands for peace and order in Mexico—for the security of life and property of our citizens there—to provide for the settlement and speedy adjustment of damages already suffered by us is the urgent demand of the hour. Further nerveless protest will be as unavailing as all such supplications have been in the past. Further temporizing is hazardous. Peace is sweet and above most things on this earth to be desired, but when purchased at the price of honor or maintained by shameful submission to injustice and wrong it ceases to be desirable, commendable, or decent. War with all its horrors is far better than peace at such a price. But we do not want war. We desire to avoid it. Unjustified war is as brutal, degrading, and devilish as that now being waged all over Mexico. What are they fighting about? Not one in ten of the deluded followers of ambitious adventurous leaders are guided by any principle of government or devotion to any cause. In this maelstrom of destruction the death or dethronement of one leader gives no relief to the situation, but only tends to prove to deluded followers that revolution is their only profitable employment and robbery and pillage their only asset. These conditions will continue until outside power or influence shall change it. It devolves on us to use that influence peacefully but firmly and to the extreme limit, and, failing in this, then as a last resort use with equal firmness the power necessary.

Mr. President, to evade the conclusion that might arise in some minds from the colloquy between me and the Senator from Georgia [Mr. BACON] that I was in favor of taking by force any part of the territory of Mexico as an indemnity for damages to our citizens, I wish to make clear and explicit exactly my position in that regard. I infer that Mexico recognizes her obligations to foreigners within her territory, and like all civilized nations will pay willingly all just claims for damages when fully and properly ascertained, and inasmuch as all collections from export and import duties have been pledged by the Government of Mexico to the payment of certain loans, and as money raised from direct taxation of property would largely impose the burden of paying these damages on the very persons who suffered the wrongs, that Mexico would not be averse to making a settlement of all claims by ceding certain lands to us in full settlement of all our claims, and if need be, enough for us to assume and pay all just claims of the other foreigners damaged in Mexico. This seemed to me and now seems the most felicitous and easy way for Mexico and for us to find an honorable way out of our difficulties. Hence I suggested that arrangements might be effected with Mexico to that end and to our mutual advantage. Beginning at the corner of New Mexico and prolonging the international line on a due west course to the Gulf would take only a fraction of sparsely settled territory from Mexico and of little value to us, except giving, as it would, control of the mouth of the Colorado River. These negotiations or such arrangement would be futile unless we also obtained title to Lower California, of very doubtful value to Mexico but of very great advantage to us. If such arrangement could be made peacefully with Mexico, it should at once be done. If continuing outrages on our citizens in Mexico shall at last break the back of our long-suffering patience and intervention with consequent war follows, then on final war indemnity the grant of the country lying north of a line from the mouth of the Rio Grande to the southern point of Lower California would be far less than a reasonable concession. But we do not want Mexico nor any part of it. We do want peace and security there, and Mexico must establish it.

Mr. President, there are other grave questions surrounding the present case that must not be evaded. On our interpretation of the Monroe doctrine, no matter what opinion may be entertained by other powers, we are in a serious degree involved with England, Germany, and France, who have claims similar to ours against Mexico, but without the right to seize, if necessary, territory in settlement of the claim or hold any permanent possession in Mexico in collection or satisfaction thereof.

By some writers of great reputation in matters of international relations and international law the Monroe doctrine is a standing intervention by the United States in the affairs of the American Republics. In his strictures on the Monroe doctrine, Bonfil, page 157 of his Le Droit International Public, says:

"This declaration is contained in a message addressed to the Congress of the United States December 2, 1823, by President

Monroe, on the occasion of the struggle of the Spanish colonies for independence. The message contained two declarations, the one without object to-day, which relates to the colonization of the American Continent, the other which refers to the attempts made to replace the Spanish colonies under the yoke of the mother country. Monroe has taken the opinion of Jefferson. Authors have interpreted the meaning of this message differently. In our eyes at the end of this message the United States poses as protector of the entire American Continent. The message admits the interference of the United States in all American affairs, North and South. Far from being an act of nonintervention, this declaration is itself a formal intervention. The President resorted to menace to prevent European States from mixing in the quarrel existing between Spain and her colonies. Pradier-Fodéré says very justly 'that in declaring that the great Republic considered as dangerous for its tranquillity and its security all attempts on the part of European powers to extend their political system to any part whatever of the American Continent, he (the President) mixes indirectly in the interior affairs of the Republics of the New World other than the United States; he makes intervention by anticipation and to the profit of the Union, for to prevent other Governments from intervening is to intervene.'

"The effect of this message was notable. Public opinion was not deceived as to its true import. Since then the United States has invoked the Monroe doctrine to mix in the affairs of Central America. It was also recalled in the French intervention in Mexico and at the time of the cession of the Panama Canal by Colombia. Secretary Blaine, in a circular of October, 1881, and a dispatch of November 19, 1881, strove to prove that the Isthmus of Panama and the canal destined to pierce it should be under the exclusive control of the United States. In 1881 the United States wished to prevent Chile, the conqueror of Peru, from annexing a part of Peruvian territory. In 1886 the United States intervened in the affair of the island of Crete. In January, 1889, a vote was taken in the Senate upon a proposition of Senator Edmunds with a view to recalling to the European powers the fact that the Monroe doctrine was still in force. The message of President Harrison was conceived in the same spirit. (New affirmations of the Monroe doctrine were had in 1895 and 1896 in the dispute relating to the boundary between Great Britain and Venezuela, and in 1895–1897 in the Cuban insurrection against Spain. The part which the United States in 1903 seemed to have taken in the establishment of the Republic of Panama, in consequence of the refusal by the Colombian Parliament to ratify the treaty concerning the Panama Canal, is also to be noted.)"

If we adhere to the doctrine here enunciated, I fail to see how we are to escape some responsibility to the powers holding claims against Mexico. If peace is not speedily restored, I can not see, in the light of our obligations to ourselves and to the other powers interested, how we are to avoid intervention, how much so ever we may hate to take that step. With not one-half the provocation offered by Mexico, we did not hesitate to intervene in Cuba and force a war with Spain. Our causeless seizing and senseless holding of the Philippines has taught us a lesson of patience, but all the direful results of such occupancy has not absolved our obligation to protect our citizens from brutal wrongs wherever perpetrated. Our intervention in Cuba was placed on the grounds of humanity and protection of commerce; and though this extreme cause for intervention has never been recognized by the best authorities on international law, yet it was justified by the high purpose animating the act and by the actual facts of the whole case as then presented to the world. This intervention was foreshown by President Cleveland, who, on December 7, 1896, in a message to Congress said:

> When the inability of Spain to deal successfully with the insurrection has become manifest and it is demonstrated that her sovereignty is extinct in Cuba for all purposes of its rightful existence, and when a hopeless struggle for its reestablishment has degenerated into a strife which means nothing more than the useless sacrifice of human life and the utter destruction of the very subject matter of the conflict, a situation will be presented in which our obligations to the sovereignty of Spain will be superseded by higher obligations, which we can hardly hesitate to recognize and discharge. Deferring the choice of ways and methods until the time for action arrives, we should make them depend upon the precise conditions then existing, and they should not be determined upon without giving careful heed to every consideration involving our honor and interest or the international duty we owe to Spain. Until we face the contingencies suggested or the situation is by other incidents imperatively changed, we should continue in the line of conduct heretofore pursued, thus in all circumstances exhibiting our obedience to the requirements of public law and our regard for the duty enjoined upon us by the position we occupy in the family of nations.
>
> A contemplation of emergencies that may arise should plainly lead us to avoid their creation, either through a careless disregard of present duty or even an undue stimulation and ill-timed expression of feeling. But I have deemed it not amiss to remind the Congress that a time may arrive when a correct policy and care for our interests, as well as a regard for the interests of other nations and their citizens, joined by considerations of humanity and a desire to see a rich and fertile country, intimately related to us, saved from complete devastation, will constrain our Government to such action as will subserve the interests thus involved and at the same time promise to Cuba and its inhabitants an opportunity to enjoy the blessings of peace.

On April 11, 1898, President McKinley sent his now famous message to Congress on which ensued the War with Spain, which broke the shackles of Cuba, but put the yoke of our domination on the neck of the Filipino.

That message is so appropriate to present conditions that liberal citation may not be amiss.

The President said:

> As to the first, it is not to be forgotten that during the last few months the relation of the United States has virtually been one of friendly intervention in many ways, each not of itself conclusive, but all tending to the exertion of a potential influence toward an ultimate pacific result, just and honorable to all interests concerned. The spirit of all our acts hitherto has been an earnest, unselfish desire for peace and prosperity in Cuba, untarnished by differences between us and Spain, and unstained by the blood of American citizens.
>
> The forcible intervention of the United States as a neutral to stop the war, according to the large dictates of humanity and following many historical precedents where neighboring States have interfered to check the hopeless sacrifices of life by internecine conflicts beyond their borders, is justifiable on rational grounds. It involves, however, hostile constraint upon both the parties to the contest as well to enforce a truce as to guide the eventual settlement.
>
> The grounds for such intervention may be briefly summarized as follows:
>
> First. In the cause of humanity and to put an end to the barbarities, bloodshed, starvation, and horrible miseries now existing there, and which the parties to the conflict are either unable or unwilling to stop or mitigate. It is no answer to say this is all in another country, belonging to another nation, and is therefore none of our business. It is specially our duty, for it is right at our door.
>
> Second. We owe it to our citizens in Cuba to afford them that protection and indemnity for life and property which no government there can or will afford, and to that end to terminate the conditions that deprive them of legal protection.
>
> Third. The right to intervene may be justified by the very serious injury to the commerce, trade, and business of our people, and by the wanton destruction of property and devastation of the island.
>
> Fourth. And which is of the utmost importance. The present condition of affairs in Cuba is a constant menace to our peace, and entails upon this Government an enormous expense. With such a conflict waged for years in an island so near us and with which our people have such trade and business relations; when the lives and liberty of our citizens are in constant danger and their property destroyed and themselves ruined; * * * all these and others that I need not mention, with the resulting strained relations, are a constant menace to our peace, and compel us to keep on a semiwar footing with a nation with which we are at peace.

Substituting the word "Mexico" for "Cuba" in this message, you have a temperate and underdrawn statement of present conditions in Mexico.

Mr. President, I have before me a most valuable contribution to the volumes of learning on international law, written and compiled in the Solicitor's office of the State Department, from which I cite instances where we have intervened with force of arms for the *simple protection of American citizens.*

This was the purpose of the landing of forces in China, 1854; Uruguay, 1855 and 1858; China, 1859; Africa, Kisembo, 1860; Panama, 1860; Japan, 1868; Uruguay, 1868; Egypt, 1882; Korea, 1888; Navassa Island, 1891; Chile, 1891; Hawaii, 1893; Korea, 1894; Nicaragua, 1899; China, 1900; Santo Domingo, 1903; Honduras, 1907; Nicaragua, 1910; Honduras, 1910 and 1911.

Several times we have landed our troops on foreign soil to punish for the *death of American citizens.* This occurred at Sumatra in 1883, Fiji Islands in 1840, Samoa in 1841, Fiji Islands again in 1858, and Formosa in 1867.

We in times past have not hesitated to invade other countries to punish for insults and injuries to American citizens or American officers. As instances we refer to our action in Porto Rico in 1824; Falkland Islands, 1831; Nicaragua, 1854; Fiji Islands, 1855; China, 1856; Japan, 1863; and Korea in 1871.

For securing indemnity alone we landed troops on the island of Johanna in 1851, Japan in 1864, and Haiti in 1888. As early as 1817 we invaded the Spanish Floridas to protect American citizens.

Our history is loaded with examples of our landing on foreign soil to simply protect American interests, and we should have repeated that history by landing troops in Mexico as soon as it became evident that Mexico could not or would not give protection to American lives and American property within her borders. Such invasion by us for such purpose is not a declaration of war, nor is it tantamount to such declaration, nor could it under the circumstances be justly construed as an act of hostility. Such action is rightly based on a higher law than is found in international codes, for it rests on the natural law of self-defense, as dear to a proud nation as to a brave man. Hall, in his work on International Law, sixth edition, page 264, recognizes the principle in the following language:

> There are, however, circumstances falling short of occasions upon which existence is immediately in question, in which, through a sort of extension of the idea of self-preservation to include self-protection against serious hurt, States are allowed to disregard certain of the

ordinary rules of law in the same manner as if their existence were involved. This class of cases is not only susceptible of being brought under distinct rules, but evidently requires to be carefully defined, lest an undue range should be given to it.

Oppenheim has more tersely, and with what is believed to be more accuracy, set forth the real legal situation which exists on such occasions in the following language:

Now a State may have a right of intervention against another State for several grounds. * * * Thus, secondly, the right of protection over its citizens abroad which a State holds may cause an intervention by right, to which the other party is legally bound to submit. (Oppenheim, International Law, 1, p. 183.)

On this point there may be appropriately quoted also the language of the circuit court at Kansas, in Hamilton *v.* McClaughry ([1905] 136 Fed., 445), in which Pollock, district judge, said:

It has been well said the safety of the people is the supreme law of the land. The first duty of a State is the protection of the lives and property of its citizens, wherever lawfully situate, by peaceful means, if possible; if not, by force of arms. More especially must this protection be afforded the accredited representatives of this Government in a foreign country.

Further, citing the compilation to which earlier credit was given, I maintain with it and in the language used, to wit:

First. That the use of the forces of the United States in foreign countries to protect the lives and property of American citizens resident in that country does not constitute an act of war, and is therefore not equivalent to a declaration of war.

Second. The President, as the Chief Executive of the United States, charged with the responsibility of conducting our foreign intercourse, including the protection of the lives and property of our citizens abroad, has the authority to use the forces of the United States to secure such protection in foreign countries.

This second clause is subject, probably, to exceptions, depending on the facts surrounding the particular case; and while I am not ready to accept the doctrine to the full extent stated, yet I am sure that invasion of Mexico by our soldiers under order of the President at the time our citizens were killed and wounded at Douglas, Ariz., and El Paso, Tex., would not have been an act of war, and no declaration of war by Congress was necessary in order to justify or sanction the act.

Proper and prompt action by President Taft, using in the beginning all necessary force for the purpose, would have saved many lives and prevented the destruction of millions on millions of American property and would have averted the more serious trouble which, come it soon or come it late, seems now almost inevitable. American citizens can not longer be held for ransom within sight of their native soil. American labor must no more be driven with abuse and insult from its honest toil by regular soldiers or lawless brigands in Mexico. All factions should take notice that some means of subsistence other than American cattle grazing on lands owned by American citizens must be found. Our women shall no longer be driven by fear from place to place seeking protection from brigands masquerading in the guise of soldiers.

I know not what course others may take, but as for me, at all hazards and at any price, I demand protection for my countrymen and the enforcement of that demand against any offending nation under the sun.

I have a pride in the history that my country's deeds have written. I want those who come after me to read with unabated pride the further story of this Republic. Let us put no blot on that page by any act of injustice or oppression or dim its glory by submitting to either. Let it still be known that the man from Massachusetts shall be safe in Madagascar. Let it still be known that the American who walks in peace anywhere on all the globe has Old Glory waving over him. Justify to the minds of our boys and girls the Roman boast that to be a citizen of this Republic were better than a king.

Mr. BACON. Mr. President, has the joint resolution been referred to the committee?

The VICE PRESIDENT. Not yet.

Mr. BACON. I move that it be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. The Senator from Georgia moves that the joint resolution be referred to the Committee on Foreign Relations.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 30 minutes spent in executive session the doors were reopened.

HOUR OF MEETING TO-MORROW.

Mr. STONE. I move that when the Senate adjourns to-day it adjourn to meet to-morrow at 2 o'clock p. m.

The motion was agreed to.

REUNION CELEBRATION AT GETTYSBURG, PA.

The VICE PRESIDENT. The Senator from Alabama [Mr. BANKHEAD] and the Senator from Delaware [Mr. DU PONT] being unable to serve on the committee appointed to represent the Senate at the Gettysburg celebration, the Chair appoints in their place the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. OLIVER].

PROPOSED LAKE ERIE DAM (S. DOC. NO. 118).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

Pursuant to the provisions of an item contained in the river and harbor act of 1902, and subsequent amendments, providing for the formation of an International Waterways Commission and defining its duties, I have the honor to transmit herewith the final report of said commission upon the proposed dam at the outlet of Lake Erie.

Should Congress make provision for the printing of such report as a document, the American section of the commission requests that 500 copies thereof be made available for its use.

WOODROW WILSON.

THE WHITE HOUSE, *June 27, 1913.*

CONFEDERATE VETERANS' REUNION, BRUNSWICK, GA.

Mr. JOHNSTON of Alabama. From the Committee on Military Affairs I report back favorably with an amendment the joint resolution (H. J. Res. 98), authorizing the Secretary of War to loan certain tents for the use of the Confederate veterans' reunion, to be held at Brunswick, Ga., in July, 1913, and I ask consent for the present consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The amendment was, on page 1, line 7, after the word "ridges," to strike out "and," and in the same line, after the word "pins," to insert the words "and cots," so as to read: "with necessary poles, ridges, pins, and cots."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 103) appropriating $4,000 to defray traveling expenses of soldiers of the Civil War, now residing in the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return, and it was thereupon signed by the Vice President.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1917) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

ASSIGNMENT OF DISTRICT JUDGES.

Mr. O'GORMAN. From the Committee on the Judiciary, to which was recommitted the bill (S. 2254) to amend chapter 1, section 18, of the Judicial Code, I report it back favorably, with amendments, and I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on the Judiciary were, on page 1, line 5, before the word "senior," to strike out "any" and insert "the"; in line 6, before the word "circuit," to strike out "any" and insert "the second"; in line 7, before the word "circuit," to strike out "the" and insert "said"; in the same line, after the word "circuit," to strike out "in which the district lies"; in line 11, before the word "circuit," to strike out "the" and insert "said"; and in line 14, after the word "court," to insert "within the said second circuit"; so as to make the bill read:

Be it enacted, etc., That chapter 1, section 18, of the Judicial Code be amended by adding thereto the following:

"Whenever it shall be certified by the senior circuit judge of the second circuit, or, in his absence, by the circuit justice of said circuit,

that on account of the accumulation or urgency of business in any district court in said circuit it is impracticable to designate and appoint a sufficient number of district judges of other districts within said circuit to relieve such accumulation or urgency of business, the Chief Justice may, if in his judgment the public interests so require, designate and appoint the judge of any district court in another circuit to hold a district court within the said second circuit, and to have and exercise within the district to which he is so assigned the same powers that are vested in the judge thereof: *Provided*, That such judge so designated and appointed shall have consented, in writing, to such designation and appointment: *And provided further*, That the senior circuit judge of the circuit within which such judge so designated and appointed resides shall certify, in writing, that the business of the district of such judge will not suffer thereby. Such appointment shall be filed in the clerk's office and entered on the minutes of the said district court, and a certified copy thereof, under the seal of the court, shall be transmitted by the clerk to the judge so designated and appointed. Each of the said district judges may, in the case of such appointment, hold separately, at the same time, a district court in such district, and discharge all of the judicial duties of the district judge therein."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXPORTATION OF ARMS TO MEXICO.

Mr. SMITH of Arizona. I ask unanimous consent that I may print some proclamations and other public documents in the few remarks I made this evening. I ask leave to insert nothing except extracts from historical documents that I should like to put in as a part of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and permission is given to the Senator from Arizona as requested.

COMMISSION ON VOCATIONAL EDUCATION.

Mr. SMITH of Georgia. Mr. President, Calendar No. 38 is a proposed joint resolution unanimously reported by the Committee on Education and Labor. It provides for a commission of nine men, to be appointed by the President, to study the question of vocational education and report to us at the next session of Congress. It is important that it should be passed and go to the House at once to be concurred in. I think there will be no opposition at all to it. I ask unanimous consent to take up the joint resolution.

Mr. WILLIAMS. Reserving the right to object, I want to see what it is.

Mr. SMOOT. While the Senator from Mississippi is looking at the joint resolution, I should like to ask the Senator from Georgia if in reporting it the amendments were made that I suggested.

Mr. SMITH of Georgia. No; the joint resolution had been reported unanimously before that time, but on the floor of the Senate I intend to ask to add one amendment, the words "or so much thereof as may be necessary."

Mr. WILLIAMS. I have no objection to the consideration of the joint resolution.

Mr. SMOOT. I have no objection to its present consideration, but I also want to offer one other amendment not suggested by the Senator from Georgia.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 5) providing for the appointment of a commission to consider the need and report a plan for national aid to vocational education, which was read as follows:

Resolved, etc., That the President of the United States is hereby authorized to appoint a commission consisting of nine men whose duty it shall be to consider the need and report a plan, not later than December 1 next, for national aid to vocational education.

SEC. 2. That the members of said commission shall be paid their actual traveling expenses and subsistence while engaged upon the work of said commission.

SEC. 3. That said commission shall have authority to employ a secretary and to make such investigations into local conditions of the respective States as they deem necessary, the entire expense of the commission not to exceed the sum of $25,000.

SEC. 4. That the sum of $25,000 be, and the same is hereby, appropriated to meet the expenses of the said commission.

Mr. SMITH of Georgia. I move to amend, after the figures "$25,000," in section 4, page 2, line 6, by inserting the words "or so much thereof as may be necessary."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In section 4, page 2, line 6, after the sum "$25,000," it is proposed to insert "or so much thereof as may be necessary," so as to make the section read:

SEC. 4. That the sum of $25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated to meet the expenses of the said commission.

The amendment was agreed to.

Mr. SMOOT. Now, Mr. President, I move to amend by striking out "$25,000" in line 5, page 2, section 3, and also striking out "$25,000" in line 6, page 2, section 4, and inserting "$15,000" in both those places. The reason I suggest the amendment is this——

Mr. WILLIAMS. That is all right.

Mr. SMOOT. If the Senator from Georgia will accept the amendment, I will have nothing to say.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah.

Mr. SMITH of Georgia. Mr. President, I have never had charge of an investigation of this kind and do not know how much money is necessary for the purpose. I should regret to have the commission find that they did not have enough money for the work.

Mr. SMOOT. So would I.

Mr. SMITH of Georgia. If $15,000 will be plenty, I do not want another dollar for it.

Mr. GALLINGER. I will make the suggestion that I feel sure that $15,000 will be entirely adequate.

Mr. SMITH of Georgia. I will accept the amendment.

Mr. GALLINGER. Some years ago I chanced to be chairman of a commission that made an investigation covering the entire country, and we spent only about $20,000.

Mr. SMITH of Georgia. Senators will observe that the resolution provides no compensation to anybody serving on the commission.

Mr. GALLINGER. Exactly.

Mr. SMITH of Georgia. I will accept the suggestion of the Senator from Utah [Mr. SMOOT].

Mr. SMOOT. I am quite positive that $10,000 is ample, but I am perfectly willing to make it $15,000.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. SMOOT].

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMITH of Georgia. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 28, 1913, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate June 27, 1913.

COLLECTOR OF CUSTOMS.

James F. C. Griggs, of Florida, to be collector of customs for the district of Florida, in accordance with the reorganization of the customs service.

EXCISE BOARD FOR THE DISTRICT OF COLUMBIA.

Frank B. Lord, of the District of Columbia, for a term of three years from July 1, 1913.

Robert G. Smith, of the District of Columbia, for a term of two years from July 1, 1913.

John P. Colpoys, of the District of Columbia, for a term of one year from July 1, 1913.

COLLECTORS OF INTERNAL REVENUE.

Aaron O. Blalock, of Georgia, to be collector of internal revenue for the district of Georgia, in place of Henry S. Jackson, resigned.

Alston D. Watts, of North Carolina, to be collector of internal revenue for the fifth district of North Carolina, in place of George H. Brown, superseded.

ASSISTANT APPRAISERS OF MERCHANDISE.

Frank S. Terry, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York, to fill an existing vacancy.

James Fay, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York, to fill an existing vacancy.

UNITED STATES ATTORNEY.

Walter L. Guion, of Louisiana, to be United States attorney for the eastern district of Louisiana, vice Charlton R. Beattie, whose term has expired.

APPOINTMENT IN THE ARMY.

FIELD ARTILLERY ARM.

Herbert Slayden Clarkson, of Texas, late midshipman, United States Navy, to be second lieutenant of Field Artillery, with rank from June 26, 1913.

POSTMASTERS.

ALASKA.

John E. Worden to be postmaster at Wrangell, Alaska. Office became presidential October 1, 1912.

CALIFORNIA.

Nellie Pellet to be postmaster at Brawley, Cal., in place of Nellie Pellet. Incumbent's commission expired December 14, 1912.

COLORADO.

Finley Dye to be postmaster at Julesburg, Colo., in place of Charles W. White. Incumbent's commission expired June 9, 1913.

V. R. Liggett to be postmaster at Blanca, Colo., in place of Lewis F. Botens, resigned.

H. Reynolds to be postmaster at Greeley, Colo., in place of David E. Gray. Incumbent's commission expired January 11, 1913.

Huse Taylor to be postmaster at Cripple Creek, Colo., in place of Griffith R. Lewis. Incumbent's commission expired December 16, 1912.

CONNECTICUT.

Jeremiah J. Sullivan to be postmaster at Colchester, Conn., in place of Samuel H. Kellogg. Incumbent's commission expired February 9, 1913.

DELAWARE.

James J. English to be postmaster at Wilmington, Del., in place of M. H. Jester. Incumbent's commission expires June 28, 1913.

Rhubert R. German to be postmaster at Delmar, Del., in place of Charles C. Tomlinson. Incumbent's commission expired June 26, 1913.

FLORIDA.

Carrie S. Abbe to be postmaster at Sarasota, Fla., in place of Carrie S. Abbe. Incumbent's commission expired January 26, 1913.

William R. Dorman to be postmaster at Liveoak, Fla., in place of Charles N. Hildreth, jr. Incumbent's commission expired February 18, 1913.

James Harper to be postmaster at South Jacksonville, Fla. Office became presidential January 1, 1912.

E. J. Ricou to be postmaster at Stuart, Fla. Office became presidential April 1, 1913.

GEORGIA.

P. Brooks Ford to be postmaster at Sylvester, Ga., in place of P. Brooks Ford. Incumbent's commission expired April 15, 1913.

IDAHO.

W. J. Coltman to be postmaster at Idaho Falls, Idaho, in place of A. T. Shane. Incumbent's commission expired December 17, 1912.

F. E. Cornwall to be postmaster at Moscow, Idaho, in place of Joseph R. Collins. Incumbent's commission expired January 13, 1913.

A. McDermid to be postmaster at Kimberly, Idaho. Office became presidential April 1, 1913.

Simpson M. Rich to be postmaster at Paris, Idaho. Office became presidential October 1, 1912.

ILLINOIS.

Matthew Bollan to be postmaster at Havana, Ill., in place of Oscar H. Harpham. Incumbent's commission expired January 14, 1913.

E. Wynette Herlocker to be postmaster at Table Grove, Ill., in place of William D. Hall. Incumbent's commission expired January 11, 1913.

Clarence H. Hunt to be postmaster at Cambridge, Ill., in place of Theodore Baltenstern. Incumbent's commission expired December 14, 1912.

INDIANA.

K. B. Clark to be postmaster at Medaryville, Ind., in place of Samuel E. Nicoles. Incumbent's commission expired June 22, 1913.

James N. Culp to be postmaster at North Vernon, Ind., in place of Joseph S. Smith. Incumbent's commission expired February 23, 1912.

Charles Hatch to be postmaster at Fort Branch, Ind., in place of William L. Walters. Incumbent's commission expired March 2, 1913.

Charles Wright to be postmaster at North Manchester, Ind., in place of E. L. Lautzenhiser. Incumbent's commission expired June 14, 1913.

IOWA.

Warren A. Edington to be postmaster at Sheldon, Iowa, in place of A. W. Sleeper. Incumbent's commission expired December 14, 1912.

Henry Eppers to be postmaster at Montrose, Iowa. Office became presidential October 1, 1912.

Orson R. Hutchison to be postmaster at Arlington, Iowa, in place of Oswell Z. Wellman. Incumbent's commission expired June 25, 1913.

Frederick B. Sharon to be postmaster at Davenport, Iowa, in place of Alonzo Bryson. Incumbent's commission expired January 29, 1912.

KANSAS.

W. A. Corrigan to be postmaster at Haviland, Kans., in place of N. H. Mendenhall. Incumbent's commission expired April 15, 1913.

Charles H. Harvey to be postmaster at Haddam, Kans., in place of Charles W. Yoder. Incumbent's commission expires July 23, 1913.

LOUISIANA.

Pearl Collins to be postmaster at Eros, La. Office became presidential April 1, 1913.

MAINE.

Alner C. Gilbert to be postmaster at Monson, Me., in place of Roy M. Hescock. Incumbent's commission expired January 12, 1913.

MASSACHUSETTS.

Henry K. Bearse to be postmaster at Harwich, Mass., in place of Henry K. Bearse. Incumbent's commission expired May 6, 1913.

L. F. McNamara to be postmaster at Haverhill, Mass., in place of Charles M. Hoyt. Incumbent's commission expired January 12, 1913.

Neil R. Mahoney to be postmaster at North Billerica, Mass. Office became presidential October 1, 1912.

Osgood L. Small to be postmaster at Sagamore, Mass., in place of Osgood L. Small. Incumbent's commission expired December 14, 1912.

Lawrence J. Watson to be postmaster at Beverly Farms, Mass., in place of William R. Brooks. Incumbent's commission expired March 29, 1913.

MICHIGAN.

George F. Carrier to be postmaster at Three Oaks, Mich., in place of Theron D. Childs. Incumbent's commission expired December 14, 1912.

William J. Lewis to be postmaster at Boyne City, Mich., in place of Robert E. Newville. Incumbent's commission expired June 14, 1913.

James E. Sharp to be postmaster at Grant, Mich., in place of Jens Hemingsen. Incumbent's commission expired December 14, 1912.

Charles Snelling to be postmaster at Elsie, Mich., in place of E. A. Litchfield. Incumbent's commission expired February 9, 1913.

MINNESOTA.

M. Brixius to be postmaster at Watkins, Minn. Office became presidential January 1, 1913.

C. H. Dickey to be postmaster at Wayzata, Minn., in place of Edwin G. Braden. Incumbent's commission expires July 1, 1913.

Erick Erickson to be postmaster at Murdock, Minn. Office became presidential January 1, 1913.

C. F. Lieberg to be postmaster at Clarkfield, Minn., in place of Mathias B. Jenson. Incumbent's commission expired February 9, 1913.

MISSOURI.

J. P. Bauer to be postmaster at Washington, Mo., in place of H. A. Herkstroeter. Incumbent's commission expired December 14, 1912.

Emmett A. Cherry to be postmaster at Adrian, Mo., in place of Warren W. Parish. Incumbent's commission expired January 11, 1913.

William H. Titus to be postmaster at Excelsior Springs, Mo., in place of William E. Templeton. Incumbent's commission expired January 26, 1913.

NEBRASKA.

C. F. Beushausen to be postmaster at Loup City, Nebr., in place of Darwin C. Grow. Incumbent's commission expired January 11, 1913.

Joseph Fenimore to be postmaster at Merna, Nebr., in place of James S. Francis. Incumbent's commission expired March 10, 1912.

Lizzie Smith to be postmaster at Riverton, Nebr. Office became presidential January 1, 1913.

NEVADA.

Jessie E. Burnett to be postmaster at McGill, Nev., in place of Jessie E. Burnett. Incumbent's commission expired December 14, 1912.

NEW JERSEY.

J. B. R. Clark to be postmaster at Califon, N. J., in place of Isaiah Apgar. Incumbent's commission expired January 13, 1913.

Peter A. Donovan to be postmaster at Bayonne, N. J., in place of Otto C. W. Lang. Incumbent's commission expired December 10, 1911.

John L. Opfermann to be postmaster at Highlands, N. J., in place of Alonzo Hand. Incumbent's commission expires June 28, 1913.

NEW YORK.

Charles S. Barney to be postmaster at Milford, N. Y., in place of George Mumford. Incumbent's commission expired December 16, 1912.

Edward Crawford to be postmaster at Pine Bush, N. Y., in place of John L. McKinney. Incumbent's commission expired June 26, 1913.

Merle L. Harder to be postmaster at Ray Brook, N. Y. Office became presidential July 1, 1912.

John Scally to be postmaster at Westbury, N. Y., in place of Alexander S. Taylor. Incumbent's commission expired December 16, 1912.

Joseph A. Weisbeck to be postmaster at Alden, N. Y., in place of Isaac M. Smith. Incumbent's commission expired March 29, 1913.

NORTH CAROLINA.

H. S. Harrison to be postmaster at Enfield, N. C., in place of Thomas H. Dickens. Incumbent's commission expired December 17, 1911.

NORTH DAKOTA.

D. J. Clifford to be postmaster at Mohall, N. Dak., in place of Charles Lano. Incumbent's commission expired February 10, 1913.

George Franklin to be postmaster at Ambrose, N. Dak., in place of Elstow McKoane. Incumbent's commission expired March 1, 1913.

Louise A. Fowler to be postmaster at Sherwood, N. Dak., in place of Perry Brown. Incumbent's commission expired January 14, 1913.

Daniel F. Sweeney to be postmaster at Berthold, N. Dak., in place of Walter E. Krick. Incumbent's commission expired May 18, 1913.

W. T. Wakefield to be postmaster at Mott, N. Dak., in place of Frank I. Bonesho. Incumbent's commission expired January 27, 1913.

OHIO.

L. C. Davison to be postmaster at Dalton, Ohio, in place of H. B. Jameson. Incumbent's commission expired June 2, 1913.

Thomas P. Dodd to be postmaster at Larue, Ohio, in place of George T. Baughman. Incumbent's commission expired May 12, 1913.

Charles E. Gain to be postmaster at London, Ohio, in place of Roscoe G. Hornbeck. Incumbent's commission expired January 13, 1913.

Roy C. Hale to be postmaster at New Vienna, Ohio, in place of De Witt C. Pemberton. Incumbent's commission expired June 12, 1913.

Charles G. Stroup to be postmaster at Lynchburg, Ohio. Office became presidential January 1, 1913.

OKLAHOMA.

T. S. Chambers to be postmaster at Tonkawa, Okla., in place of James Wilkin. Incumbent's commission expired February 11, 1913.

Harry J. Dray to be postmaster at Weatherford, Okla., in place of George Ruddell. Incumbent's commission expired December 17, 1912.

A. R. Duncan to be postmaster at Carmen, Okla., in place of W. T. Barrett. Incumbent's commission expired January 14, 1913.

George M. Massingale to be postmaster at Leedey, Okla. Office became presidential January 1, 1913.

PENNSYLVANIA.

John P. Durkin to be postmaster at Frackville, Pa., in place of Calvin B. Philips. Incumbent's commission expired January 10, 1911.

Claude W. Freeman to be postmaster at Austin, Pa., in place of William M. Toy. Incumbent's commission expired January 12, 1913.

Richard W. Iobst to be postmaster at Emaus, Pa., in place of Uriah H. Wieand. Incumbent's commission expired February 9, 1913.

PORTO RICO.

Ramon A. Rivera to be postmaster at Arecibo, P. R., in place of Ramon A. Rivera. Incumbent's commission expired February 11, 1913.

RHODE ISLAND.

James S. Scully to be postmaster at Crompton, R. I. Office became presidential January 1, 1913.

SOUTH CAROLINA.

Ida A. Calhoun to be postmaster at Clemson College, S. C., in place of Ida A. Calhoun. Incumbent's commission expired January 12, 1913.

SOUTH DAKOTA.

H. B. Brown to be postmaster at Clark, S. Dak., in place of O. H. La Craft. Incumbent's commission expired March 1, 1913.

James L. Minahan to be postmaster at Geddes, S. Dak., in place of F. E. McLaughlin. Incumbent's commission expired May 6, 1913.

James Snow to be postmaster at Midland, S. Dak., in place of J. C. Russell, resigned.

TENNESSEE.

S. M. Barnett to be postmaster at Lexington, Tenn., in place of John L. Murray. Incumbent's commission expired January 31, 1912.

Irene M. Cheairs to be postmaster at Spring Hill, Tenn., in place of W. L. Green. Incumbent's commission expired March 3, 1913.

Mamie Erwin Perkins to be postmaster at Selmer, Tenn. Office became presidential October 1, 1912.

Frank P. Singleton to be postmaster at Copperhill, Tenn., in place of Luther A. Styles. Incumbent's commission expired April 21, 1912.

J. V. Walker to be postmaster at Tracy City, Tenn., in place of William E. Byers. Incumbent's commission expired March 3, 1913.

TEXAS.

Maggie Ellis to be postmaster at Rotan, Tex., in place of G. W. Andruss. Incumbent's commission expired December 16, 1912.

W. F. Flynt to be postmaster at Winters, Tex., in place of T. B. Dillingham, resigned.

Robert Greenwood to be postmaster at Marfa, Tex., in place of Orion L. Niccolls, removed.

E. B. Hopkins to be postmaster at Brazoria, Tex. Office became presidential January 1, 1913.

J. C. S. Morrow to be postmaster at Quanah, Tex., in place of Lyman E. Robbins. Incumbent's commission expired January 12, 1913.

L. B. Richards to be postmaster at Silverton, Tex. Office became presidential January 1, 1913.

UTAH.

Alonzo A. Savage to be postmaster at Hyrum, Utah. Office became presidential January 1, 1913.

VIRGINIA.

Channing M. Goode to be postmaster at College Park, Va., in place of Channing M. Goode. Incumbent's commission expired February 9, 1913.

Eugene Monroe to be postmaster at Purcellville, Va., in place of John W. Gregg. Incumbent's commission expired January 14, 1913.

Claude E. Wiley to be postmaster at Fairfax, Va., in place of Richard R. Farr, removed.

WASHINGTON.

C. M. Durland to be postmaster at Colville, Wash., in place of P. R. Parks. Incumbent's commission expired February 11, 1913.

Charles G. Gehres to be postmaster at Connell, Wash., in place of Emery Troxel, resigned.

C. W. Grant to be postmaster at Toppenish, Wash., in place of W. L. Shearer. Incumbent's commission expired January 28, 1913.

Robert T. Johnson to be postmaster at Sumas, Wash., in place of Orin D. Post. Incumbent's commission expired February 11, 1913.

WISCONSIN.

Theodore Buehler, jr., to be postmaster at Alma, Wis., in place of Edwin F. Ganz, resigned.

Adolph H. Dionne to be postmaster at Lena, Wis. Office became presidential January 1, 1912.

WYOMING.

L. E. Blackwell to be postmaster at Shoshoni, Wyo., in place of Arnold O. Heyer. Incumbent's commission expired March 2, 1912.

John T. Johnson to be postmaster at Superior, Wyo., in place of Henry Harris, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 27, 1913.

COLLECTORS OF CUSTOMS.

James F. C. Griggs to be collector of customs for the district of Florida.

Andrew J. King to be collector of customs for the district of Montana and Idaho.

COLLECTORS OF INTERNAL REVENUE.

Alston D. Watts to be collector of internal revenue for the fifth district of North Carolina.

Aaron O. Blalock to be collector of internal revenue for the district of Georgia.

MINISTER TO THE NETHERLANDS AND LUXEMBURG.

Henry Van Dyke to be envoy extraordinary and minister plenipotentiary of the United States of America to the Netherlands and Luxemburg.

RECEIVER OF PUBLIC MONEYS.

Edward C. Hargadine to be receiver of public moneys at Glasgow, Mont.

REGISTER OF LAND OFFICE.

Thomas R. Jones to be register of the land office at Glasgow, Mont.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Philip Kingsworth Gilman.
Eugene Franklin McCampbell.
Norman Daniel Morgan.
John Coleman O'Gwynn.
Henry Roth.
Martin John Synnott.
Rufus Adrian Van Voast.

CORPS OF ENGINEERS.

To be second lieutenants.

Cadet Francis Kosier Newcomer.
Cadet Charles Francis Williams.
Cadet Gordon Russell Young.
Cadet Richard Ulysses Nicholas.
Cadet Myron Bertman.
Cadet Leo Jerome Dillow.
Cadet James Archer Dorst.
Cadet Rufus Willard Putnam.
Cadet Lunsford Errett Oliver.

CAVALRY ARM.

To be second lieutenants.

Cadet Allen G. Thurman.
Cadet George Wessely Sliney.
Cadet Eugene Tritle Spencer.
Cadet Willis Dale Crittenberger.
Cadet Alfred Bainbridge Johnson.
Cadet Falkner Heard.
Cadet Roland Louis Gaugler.
Cadet Stuart Warren Cramer, jr.
Cadet Thoburn Kaye Brown.
Cadet Silas Miram Ratzkoff.
Cadet Geoffrey Keyes.
Cadet Frederick John Gerstner, jr.
Cadet Clarence Earl Bradburn.
Cadet Joseph Wadsworth Viner.
Cadet John Arthur Considine.
Cadet David Beauregard Falk, jr.
Cadet Earl Lindsey Canady.
Cadet Louis Aleck Craig.
Cadet George Edward Lovell, jr.
Cadet Desmore Otts Nelson.

FIELD ARTILLERY ARM.

To be second lieutenants.

Cadet William Chalmers Young.
Cadet William Carey Crane, jr.
Cadet William Bleecher Rosevear, jr.
Cadet Carlos Brewer.
Cadet David Edward Cain.
Cadet John Eugene McMahon, jr.

COAST ARTILLERY CORPS.

To be second lieutenants.

Cadet Francis Augustus Englehart.
Cadet William Ashley Copthorne.
Cadet Selby Harney Frank.
Cadet Robert Heber Van Volkenburgh.
Cadet Samuel John Heidner.
Cadet Junius Wallace Jones.
Cadet Manning Marius Kimmel, jr.
Cadet Vern Scott Purnell.
Cadet Robert Meredith Perkins.
Cadet Lawrence Babbitt Weeks.
Cadet William Cooper Foote.
Cadet Stewart Shepherd Giffin.
Cadet Ward Elverson Duvall.
Cadet James Brown Gillespie.
Cadet Charles Lawrence Kilburn.
Cadet Redondo Benjamin Sutton.
Cadet Paul Duke Carlisle.
Cadet Francis Joseph Toohey.

INFANTRY ARM.

To be second lieutenants.

Cadet Lewis King Underhill.
Cadet Harold Smith Martin.
Cadet John Huff Van Vliet.
Cadet Leland Swarts Devore.
Cadet Charles Addison Ross.
Cadet Douglass Taft Greene.
Cadet Clarence Hagbart Danielson.
Cadet James Nixon Peale.
Cadet Francis Reuel Fuller.
Cadet Clinton Warden Russell.
Cadet William Richard Schmidt.
Cadet George Lester Hardin.
Cadet Otis Keilholtz Sadtler.
Cadet William Henry Jones, jr.
Cadet John Erskine Ardrey.
Cadet Carlyle Hilton Wash.
Cadet Henry Pratt Perrine, jr.
Cadet Dennis Edward McCunniff.
Cadet Henry Balding Lewis.
Cadet Henry Barlow Cheadle.
Cadet Wyndham Meredith Manning.
Cadet Samuel Alexander Gibson.
Cadet Paul Woolever Newgarden.
Cadet Harley Bowman Bullock.
Cadet Charles Andrew King, jr.
Cadet Dana Palmer.
Cadet Alexander McCarrell Patch, jr.
Cadet Charles Bishop Lyman.
Cadet Robert Lily Spragins.
Cadet George Washington Krapf.
Cadet Charles Harrison Corlett.
Cadet Hans Robert Wheat Herwig.
Cadet Howard Calhoun Davidson.
Cadet William Lynn Roberts.
Cadet William Alexander McCulloch.
Cadet Bernard Peter Lamb.

Cadet William Augustus Rafferty.
Cadet Lathe Burton Row.
Cadet John Flowers Crutcher.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

To be first lieutenants.

Second Lieut. Daniel D. Pullen.
Second Lieut. Carey H. Brown.
Second Lieut. Oscar N. Sohlberg.
Second Lieut. Beverly C. Dunn.
Second Lieut. Donald H. Connolly.
Second Lieut. Raymond F. Fowler.
Second Lieut. David McCoach, jr.
Second Lieut. James G. B. Lampert.
Second Lieut. Philip B. Fleming.
Second Lieut. John W. Stewart.
Second Lieut. Joseph C. Mehaffey.

MEDICAL CORPS.

To be captains.

First Lieut. Albert S. Bowen.
First Lieut. Ernest R. Gentry.
First Lieut. Roy C. Heflebower.
First Lieut. George M. Edwards.
First Lieut. George B. Foster, jr.
First Lieut. Joseph Casper.
First Lieut. Henry Beeuwkes.
First Lieut. Edward M. Welles, jr.
First Lieut. Condon C. McCornack.
First Lieut. William H. Thearle.
First Lieut. Glenn I. Jones.
First Lieut. George W. Cook.
First Lieut. Charles C. Demmer.
First Lieut. Charles T. King.
First Lieut. Thomas H. Johnson.
First Lieut. William H. Allen.
First Lieut. Larry B. McAfee.
First Lieut. Adam E. Schlanser.
First Lieut. Carl E. Holmberg.
First Lieut. John P. Fletcher.
First Lieut. Joseph E. Bastion.
First Lieut. Thomas D. Woodson.
First Lieut. Alexander T. Cooper.
First Lieut. John T. Aydelotte.
First Lieut. Taylor E. Darby.
First Lieut. Thomas C. Austin.
First Lieut. Mark D. Weed.
First Lieut. Edward D. Kremers.
First Lieut. Charles W. Haberkampf.
First Lieut. Harry R. Beery.
First Lieut. James R. Mount.
First Lieut. Royal Reynolds.
First Lieut. James S. Fox.
First Lieut. Felix R. Hill.
First Lieut. Ralph G. De Voe.
First Lieut. Wayne H. Crum.
First Lieut. John A. Burket.
First Lieut. Wibb E. Cooper.
First Lieut. Thomas L. Ferenbaugh.
First Lieut. William L. Sheep.
First Lieut. Edgar C. Jones.
First Lieut. Arthur O. Davis.
First Lieut. Floyd Kramer.
First Lieut. Edward L. Napier.
First Lieut. W. Cole Davis.

CAVALRY ARM.

To be first lieutenants.

Second Lieut. Frank K. Chapin.
Second Lieut. Henry L. Watson.

COAST ARTILLERY CORPS.

First Lieut. Philip H. Worcester to be captain.

POSTMASTERS.

ARKANSAS.

N. J. Hazel, Marked Tree.

COLORADO.

W. J. Brown, Rocky Ford.

DELAWARE.

Elijah E. Carey, Millsboro.

ILLINOIS.

Wilson M. Bering, Decatur.
L. P. Cooper, East Alton.
C. A. Fletcher, Mendon.
Frank J. Kelleher, Seneca.
W. L. McCandless, Pinckneyville.
George Petertil, Berwyn.
Hugh C. Smith, Lake Forest.
John W. Starkey, Roodhouse.
Charles J. Wightman, Grayslake.

MAINE.

Frank T. Clarkson, Kittery Point.
R. T. Flavin, West Paris.
S. H. Frost, Pittsfield.

NEW HAMPSHIRE.

Adelia M. Barrows, Hinsdale.

NEW JERSEY.

Harvey Thomas, Atlantic City.

PENNSYLVANIA.

T. F. Berney, Tower City.
Julia C. Gleason, Villanova.
M. L. Griffin, Vandergrift Heights.
J. C. Harding, Windber.
Edward M. Hirsh, Tamaqua.
James Kingsbury, Pottsville.
Frederick E. Obley, West Newton.

TENNESSEE.

W. J. Allen, Wartrace.

WEST VIRGINIA.

Oliver C. Sweeney, St. Marys.

WITHDRAWAL.

Executive nomination withdrawn June 27, 1913.

POSTMASTER.

Herman H. Brodham to be postmaster at Manning, S. C.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 27, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Almighty God, Father of all souls, that we can lay aside all political and religious differences and thus meet as brothers at the throne of grace, lifting up our hearts in unison to Thee for all the favors and blessings of the past, and with one accord seek Thy favor and Thy blessing upon the issues of this day, that they may be in accordance with Thy will. In the spirit of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2517. An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees.

GETTYSBURG REUNION.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 103) appropriating $4,000 to defray traveling expenses of soldiers of the Civil War, now residing in the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return.

Resolved, etc., That to defray the traveling expenses of all honorably discharged soldiers of the Civil War and of all soldiers of the Confederate armies who rendered honorable service therein, now residing in

the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return, to enable such soldiers to attend the celebration of the fiftieth anniversary of the Battle of Gettysburg, to be held at Gettysburg July 1, 2, 3, and 4, 1913, there is appropriated, one-half out of any money in the Treasury not otherwise appropriated and one-half out of the revenues of the District of Columbia, the sum of $4,000, or so much thereof as may be necessary.

That such appropriation shall be expended by a commission consisting of the Secretary of War; Col. Thomas S. Hopkins, past commander of the Grand Army of the Republic, Department of the Potomac; and Capt. D. B. Mull, ex-commander of the United Confederate Veterans, of a post in Georgia, residents of the District of Columbia.

That said commission is authorized to adopt such rules for the determination of the persons entitled to transportation hereunder as they may deem proper.

The SPEAKER. Is there objection?

Mr. BORLAND. Mr. Speaker, reserving the right to object, I want to ask the gentleman who introduced this resolution whether he has consulted with the chairman of the Committee on Appropriations in regard to it?

Mr. FOWLER. Yes.

Mr. BORLAND. Has he consented to this?

Mr. FOWLER. He has.

Mr. HOWARD. It is all right and it ought to pass.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the House joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

WORKMEN'S COMPENSATION.

Mr. DAVIS of West Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of workingmen's compensation.

The SPEAKER. The gentleman from West Virginia [Mr. DAVIS] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DAVIS of West Virginia. Mr. Speaker, among the grave and important subjects claiming the attention of this Congress perhaps there is no single one more important than that of workmen's compensation. The world-wide feeling that the burden of industrial accidents should be borne not by the unhappy sufferers alone but rather by the community at large has produced in recent years widespread legislative activity.

It will be remembered that in the year 1910 Congress passed a joint resolution (H. J. Res. 127, 61st Cong.), which the distinguished gentleman from Illinois [Mr. SABATH] had the honor of proposing, which created a commission to make an investigation of employers' liability and workmen's compensation. The commission so authorized reported to the Sixty-second Congress a bill which, on the 6th day of May, 1912, under the title of Senate bill 5382, passed the Senate of the United States, with amendments, by a vote of 64 yeas to 15 nays, and on the 1st day of March, 1913, with further amendments, passed the House of Representatives by a vote of 218 yeas to 81 nays. The session, however, was so near its end that, notwithstanding the overwhelming majority in its favor, it was impossible to get the bill once more through the Senate or into conference, and thus the Sixty-second Congress expired without final action on this most urgent question.

On the first day of the present session I introduced in the House the bill as prepared by this commission, with certain amendments, and it is now before the House as H. R. 21. On the 15th of April, 1913, the Hon. GEORGE SUTHERLAND, Senator from the State of Utah and chairman of the Workmen's Compensation Commission, introduced the bill, with certain amendments, in the Senate of the United States, where it is now pending as S. 959. Between the bill as so introduced by myself and the bill introduced by the distinguished Senator from Utah [Mr. SUTHERLAND] there are certain differences of detail; and in order that the point of departure of the two Houses in the consideration of the subject might be the same, I have to-day reintroduced the bill in the House in the same form in which it has been introduced in the Senate and it is now before the House as H. R. 6534.

I do not desire at this time, Mr. Speaker, to discuss either the details of this bill or the subject at large, but hope to do so at a later date. Under the leave given me to extend my remarks, I now desire to insert in the RECORD a letter which has been addressed by Mr. H. E. Wills, assistant grand chief engineer of the Brotherhood of Locomotive Engineers and acting national legislative representative of the Brotherhood of Locomotive Engineers, to the members of the railroad organizations. This letter, in addition to its comments on the bill, contains certain statistical information which should be of interest to Members of the House in the consideration of this great and important subject. The letter is as follows:

ILLUSTRATING THE BENEFITS PAYABLE UNDER THE WORKMEN'S COMPENSATION BILL, S. 959, NOW PENDING.

"In closing the discussion of the workmen's compensation bill in my report on national legislation issued April 5, 1913, I said:

"'The history of S. 5382 is now at an end; but the workmen's compensation bill is by no means dead. It will be reintroduced and given a new number by the extra session of the Sixty-third Congress. It is our intention to make some changes in phraseology to correct certain errors made in adding amendments and to cover any possible loopholes that may be discovered and to further liberalize it as to the amounts payable.'

"In fulfillment of this prediction there was introduced in the Senate on April 15 a bill (S. 959) by Senator SUTHERLAND, which, as he explained at the time, is the old commission compensation bill, which was improved by the amendments of the Sixty-second Congress, changed as indicated by the following quotation from his remarks:

"'In the preparation of this draft of the bill I have adopted most of the House amendments. Some of them I have not adopted. The principal amendment which I have not adopted is that which provides for a 5 days' waiting period instead of a 14 days' waiting period, as provided in the Senate bill. I have restored the Senate provision in that respect. The House amended the bill so as to provide for a maximum salary upon which the computation of compensation was to be made of $120 per month. In the bill that I have introduced I have taken off the maximum altogether, simply providing for a minimum salary upon which the computation of half wages is to be made of $50 a month, so that the minimum compensation under this bill, if passed, will be $25 a month, and there will be no maximum whatever. I have thought best to do that, because I think if we restore the provision with reference to the waiting period to 14 calendar days instead of 5 calendar days, the aggregate of the amount which will be saved by doing that will justify us in taking off the maximum. The 9 days which will be saved, applied to all of these employees, will amount in the aggregate to a considerable sum, while it will amount to a very trifling sum to each individual. The policy of this sort of legislation is primarily to take care of the serious accidents, the calamities; and by cutting out these trivial injuries we will save a large sum of money to apply to the more serious injuries.'

"The paramount features of a compensation law are the form, the scope, the administration, and the benefits. A careful comparison shows conclusively that in these four essentials the compensation bill indorsed and advocated by the Brotherhood of Locomotive Engineers, known as S. 5382, was the best that had up to that time been put forth with serious hopes of its becoming a law. And as carefully gone over and reintroduced, this bill is a decided improvement over any compensation law in force in the world, and is more liberal and effective in its essentials than any of the numerous measures now pending before Congress.

"Our bill in form is both exclusive and compulsory, as was that proposed by the Federal commission, which passed the Senate by a vote of 64 to 15, and which was then indorsed almost unanimously by the Brotherhood of Locomotive Engineers' convention at Harrisburg, and later, under our inducement, liberalized and passed by the House of Representatives on a vote of 218 to 81. It is in the form desired by all consistent advocates of the compensation system, and in the form most vigorously opposed by the damage-suit lawyers. It is in the form which, according to the highest opinion, is the one most likely to be held constitutional by the Supreme Court of the United States. It is in the form under which Congress assumes complete jurisdiction over the subject matter. It is in the form adopted by those States not under the necessity of providing putative optional or elective provisions in order to circumvent constitutional inhibitions. It is in the form under which in all reason the highest rates of awards can be secured.

"In defining its scope our bill uses the words 'arising out of and in the course of his employment'; and this scope is limited only by the section which provides 'that no compensation or benefits shall be allowed for the injury or death of any employee where it is proved that his injury or death was caused by his willful intention to bring about the injury or death of himself or of another, or that the same resulted from his intoxication while on duty: *Provided*, That this clause as to intoxication shall not apply if the employer knew, or in the exercise of ordinary care might have known, that the employee

was intoxicated or that he was in the habit of becoming intoxicated.' In England, in most of the Provinces of Canada, and in many of our States which have thus far enacted compensation laws, the same words, 'arising out of and in the course of his employment,' are adopted. Among the States which have so enacted are Illinois, Kansas, Nevada, New Hampshire, New Jersey, New York, and Missouri, while California and Wisconsin vary it slightly by the use of the expression 'while engaged in the line of his duty or the course of his employment.' No foreign country has as narrow an exception provision as our bill. They usually provide that 'serious or willful misconduct' shall exempt an employee from recovering the benefits of the law. And few, if any, of the States have, when considered in its entirety, allowed such a broad scope of recovery as does S. 959. To be held constitutional our bill must provide a reasonable regulation of commerce, and can only include in its scope that subject matter which comes under the jurisdiction of Congress. I think no one who gives the matter thought would expect a law making the railroads absolute insurers of the safety of their employees, whether on or off duty. In using the words 'arising out of and in the course of his employment' we maintain a desired uniformity and have the advantage of precedents already established, and so prevent undue litigation.

"From the day of the publication of the very first tentative draft of the commission workmen's compensation bill until the present time there has been a repeated request for constructive suggestions as to how we can improve its administrative features, and since to date none of the very few recommendations for changes which have been received could consistently be adopted, I am safe in saying that the method of administration proposed in our bill is the best applicable to the situation. I can think of no scheme which in practice would result in greater justice in the settlement of disputes under a compensation law than to permit the employer and the employee or his dependents to adjust their differences between themselves or to leave the matter in the hands of committees similar to our adjustment committees, or, failing by either or both of these methods, to lay the case before an impartial arm of the equity courts, an official appointed by the district judge of the jurisdiction and paid by the United States Government, who will act as a mediator, a conciliator, an adjuster of accident claims, and from whose findings appeal may be taken by the employee to a jury of his peers.

"The form, scope, and administrative features of a compensation bill are matters which can well be left to legislative experts, but when it comes to a consideration of the benefits every man feels free to take a hand. Dollars and cents is the universal language; we all understand it. It is but natural that we should take an active interest in determining what we will get out of a compensation law which is to take the place of our other remedies.

"It is no idle boast when I state that all in all our bill as it now stands would provide a better balanced, a more certain and exact, and a higher rate of awards for personal injuries or deaths than any law in operation in the United States, and it is incomparably more liberal than the compensation laws of other countries. It is not my desire to speak disparagingly of any law, either State or Federal, the passage of which has been secured under the pressure of labor's demands, and it could in no way be to my personal aggrandizement to attempt to deceptively manipulate the figures of our bill in order to set it off to advantage against those enactments already secured for the relief of injured employees; but solely for the purpose of putting the truth of the matter before our men, and in so doing to perform my duty as their representative instructed to keep them posted on matters of national legislation affecting their interest, I make these statements.

"I have before me a copy of practically every compensation law in force in the world. I have especially carefully compared our bill with the laws of the various States (and some 16 have already supplanted the obsolete, inequitable, and expensive method of recovery through negligence damage suits by the adoption of the modern, humane, and costless system of general and automatic compensation), and I find that it would be decidedly to our advantage to secure the enactment of S. 959. And I trust that our men, regardless of what others may do, will continue to uphold and actively support the officers of their organization in their determination to carry out the declared policy of the Brotherhood of Locomotive Engineers' convention and work for the passage of the most liberal workmen's compensation law procurable.

"In running over the various laws I note that not one of them has a higher minimum wage basis set than has our bill. In figuring the percentages under our bill $50 is considered the lowest wage, whereas some of the States drop materially lower, while Arizona and New Hampshire provide no minimum whatever. I find that all the State compensation laws have restrictions on the maximum amounts payable, whereas under our bill no limit whatever is put upon the amount that would be paid. It is worth noting that the usual maximum set for death payments by the State laws is just about the same as the average amount which would be paid under our bill. I think the highest amount recoverable for death under any State law is that provided by the California statute, namely, $5,000. Reference to the appended table will show that in a not extreme case $15,300 will be paid the dependents for the death of their supporter under S. 959. The Wisconsin law, which has been considerably cited as giving satisfaction, says the average annual earnings shall not be taken at more than $750 per year, which sum is to be paid for four years, making a highest possible total for death of slightly over $3,000.

"The relative values of our bill and the State laws, as suggested in these few comparisons, is practically the same for the other schedules. None of the State laws would allow such a recovery as might be paid under our bill for permanent total disability (say, the loss of both arms) to an engineer 25 years old whose earnings as calculated under the bill are $300 per month and who lives to be 55. He would receive $150 per month for 30 years, making a total of $54,000. The average maximum amount allowed for this class under the State laws is only about $5,000.

"Comparative figures are given as notes to the appended table which suggest the increase in compensation over that paid under the present excellent liability law which would accrue to the employees under the proposed law. But even these figures do not tell the complete story of the advantage of a compensation law. It is necessary that I point out in clear and emphatic language the most serious situation now confronting railroad employees who meet with accident or suffer death while pursuing their duties. Such as one first must carry his case into court under the employers' liability law, and there he must prove negligence or fault on the part of the company. If he is able to prove this, the injured employee stands a possible chance for recovery, but he is usually compelled to wait while his case is being fought through one, two, or three tiresome trials, taking years of time and causing endless suspense and inconvenience. Then, when he finally settles his case, he only gets about one-half the amount of damages allowed. The other half is consumed in attorney's fees and attendant legal expenses. In all those hundreds of cases where fault is shown to be due to the employee, there is no possible chance of recovery in a court even under the most favorable interpretation of the liability law; but under our proposed compensation law no question of negligence or contributory negligence can be raised. The question of negligence, together with the barbarous defenses of fellow-servant responsibility and assumption of risks, are entirely abrogated. Under the compensation law it would be necessary merely to prove the fact that he was injured in the service of an interstate railroad and establish the nature of the injury; then his award or damages or compensation is sure, immediate, and definite. There would be no delay, no awful suspense, no exorbitant expense, no friction with the company; and no chance is taken, no gamble is necessary. Our bill would pay for every case of injury according to earnings and dependency. In actual amounts more would be paid for the same class of disability in almost every instance than is received under the liability law; but in reckoning the benefits of our measure there should be added in each case the sum allowed for hospital, surgical, and doctor bills, whereas from each total under the liability law there should be subtracted the cost of *settlements*.

"It has been said that if there were really such a difference in the two laws the railroad companies would be actively opposing the pending bill. That statement, if made in good faith, is excusable; but in my opinion it was first put forth on an assumption that its hearers were either ignorant or unthinking. Those who are observant know that the most effective way to defeat legislation advocated by labor is to divide the labor unions, to bring about internal dissensions, or to pit one organization against another in a struggle for petty preference or prominence. I call attention to the present disunited condition of the four railroad employee organizations on the subject of workmen's compensation as evidence of the success of the efforts of the companies to defeat what is to them an undesirable piece of legislation without assuming the responsibility of so

doing. The employees are affected alike by the bill. Consistency would expect us to express a similar desire in regard to its disposition. As it now is, however, our wants seem to be four. Our greatest advantage still lies in the one way, and that is the way first determined upon by the responsible officers of the organizations, and then adopted by the Grand International Division of the Brotherhood of Locomotive Engineers; it is in the passage of an exclusive and compulsory compensation law, one that is broad in its scope, equitable in its method of administration, and liberal in its amounts of compensation. And the bill that best measures up to this standard is S. 959, copy of which will be sent on request."

Illustrating the benefits payable under the workmen's compensation bill now pending, S. 959.

Nature of injury.	Dependents.	Wage per month.	Compensation paid.			
			Per cent per month.	Rate per month.	Time period.	Total.
Death	None	$50.00			Burial expenses not to exceed.	$150.00
		100.00				150.00
		150.00				150.00
Do	Widow only	50.00				
		100.00	40	$20.00	12 months x 8 years	1,920.00
		150.00		40.00		3,840.00
				60.00		5,760.00
		50.00	50	25.00	12 months x 8 years	2,300.00
			50	12.50	12 months x 7 years	1,050.00
					15 years	3,350.00
Do	Widow and 1 male child 1 year old	100.00	50	50.00	12 months x 8 years	4,800.00
			25	25.00	12 months x 7 years	2,100.00
					19 years	6,900.00
		150.00	50	75.00	12 months x 8 years	7,200.00
			25	37.50	12 months x 7 years	3,150.00
					15 years	10,350.00
		50.00	50	25.00	12 months x 8 years	2,300.00
			45	22.50	12 months x 5 years	1,350.00
			35	17.50	12 months x 2 years	420.00
			25	12.50	12 months x 4 years	600.00
					19 years	4,670.00
Do	Widow and 3 children: 1 girl, 1 year; 1 boy, 3 years; 1 girl, 5 years. (In event of death or remarriage of widow amounts continue to children as figured after 8-year period has expired.)	100.00	50	50.00	12 months x 8 years	4,604.00
			45	45.00	12 months x 5 years	2,700.00
			35	35.00	12 months x 2 years	840.00
			25	25.00	12 months x 4 years	1,200.00
					19 years	9,340.00
		150.00	50	75.00	12 months x 8 years	7,200.00
			45	67.50	12 months x 5 years	4,050.00
			35	52.50	12 months x 2 years	1,260.00
			25	37.50	12 months x 4 years	1,840.00
					19 years	14,350.00
		50.00	50	25.00	12 months x 10 years	3,000.00
			45	22.50	12 months x 4 years	1,080.00
			35	17.50	12 months x 2 years	420.00
			25	12.50	12 months x 4 years	600.00
					20 years	5,100.00
Do	4 or more children: 1 boy, 6 years; 1 boy, 2 years; 1 girl, 4 years; 1 girl baby. (Dependent child over age limit mentally or physically incapacitated continued at rates of other children.)	100.00	50	50.00	12 months x 10 years	6,000.00
			45	45.00	12 months x 4 years	2,160.00
			35	35.00	12 months x 2 years	840.00
			25	25.00	12 months x 4 years	1,200.00
					20 years	10,200.00
		150.00	50	75.00	12 months x 10 years	9,000.00
			45	67.50	12 months x 4 years	3,240.00
			35	42.50	12 months x 2 years	1,260.00
			25	37.50	12 months x 4 years	1,800.00
					20 years	13,300.00
Do	Both parents wholly dependent	50.00		20.00		1,920.00
		100.00	40	40.00	12 months x 8 years	3,840.00
		150.00		60.00		5,760.00
Do	One parent wholly dependent	50.00		12.50		1,200.00
		100.00	25	25.00	do	2,400.00
		150.00		37.00		3,600.00
Do	Parent(s) partially dependent	50.00		7.50		720.00
		100.00	15	15.00	do	1,440.00
		150.00		22.50		2,160.00
Do	Brothers, or sisters, or grandparents, or grandchildren wholly dependent.	50.00		15.00		1,440.00
		100.00	30	30.00	do	2,880.00
		150.00		45.00		3,320.00
Do	One of same wholly dependent	50.00		10.00		960.00
		100.00	20	20.00	do	1,920.00
		150.00		30.00		2,880.00
Do	One or more of same partially dependent	50.00		5.00		470.00
		100.00	10	10.00	do	940.00
		150.00		15.00		1,310.00
Do	Widow or children not resident of United States or contiguous countries.	50.00				600.00
		100.00	Lump sum		12 months x 1 year	1,200.00
		150.00				1,800.00

Statistics compiled by experts in the employ of the United States Government show that the average amount paid for injury resulting in death during a period of three years under the employers' liability law was $1,221. The average under this table of 36 deaths is $3,610. Expenses of litigation should be deducted from the $1,221; whereas the entire $3,610 is paid the dependents. In 1912 there were 3,320 employees killed while on duty in train operation and from industrial accidents, so called, whose dependents would be provided for under this bill.

Where permanent total disability results from any injury there shall be paid to the injured employee 50 per cent of the monthly wages of such employee during the remainder of his life.

Nature of injury.	Wage per month.	Age at—		Compensation paid.		
		Time of injury.	Time of death.	Rate per month.	Time period.	Total.
		Years.	*Years.*			
Total loss of sight in both eyes	$50.00	20	60	$25.00	12 months x 40 years	$12,000.00
	100.00	30	60	50.00	12 months x 20 years	18,000.00
	150.00	40	60	75.00	12 months x 20 years	18,000.00
Loss of both feet at or above ankle	50.00	30	60	25.00	12 months x 30 years	9,000.00
	100.00	30	50	50.00	12 months x 20 years	12,000.00
	150.00	30	40	75.00	12 months x 10 years	9,000.00
Loss of both hands at or above wrist	50.00	30	40	25.00	12 months x 10 years	3,000.00
	100.00	30	50	50.00	12 months x 20 years	12,000.00
	150.00	30	60	50.00	12 months x 30 years	27,000.00
Loss of one hand and one foot	50.00	25	50	25.00	12 months x 25 years	7,500.00
	100.00	25	50	50.00	12 months x 25 years	15,000.00
	150.00	25	50	75.00	12 months x 25 years	22,500.00
Spinal injury, paralysis of legs or arms	50.00	50	55	25.00	12 months x 5 years	1,500.00
	100.00	50	55	50.00	12 months x 5 years	3,000.00
	150.00	50	55	75.00	12 months x 5 years	4,500.00
Incurable imbecility or insanity	50.00	40	50	25.00	12 months x 10 years	3,000.00
	100.00	50	60	50.00	12 months x 10 years	6,000.00
	150.00	60	70	75.00	12 months x 10 years	9,000.00
Any injury causing permanent total disability	50.00	60	70	25.00	12 months x 10 years	3,000.00
	100.00	50	60	50.00	12 months x 10 years	6,000.00
	150.00	40	50	75.00	12 months x 10 years	9,000.00
Averages	100.00	38	55	50.00	17 years	10,047.00

For a three-year period under the liability law, for this class of injuries the average age at injury was 31 years, with an average loss in life expectation of 32 years, for which gross payments averaged $4,238.

Where permanent partial disability results from any injury:
(1) *An amount equal to 50 per cent of his wages shall be paid to the injured employee for the periods stated against such injuries, respectively, as follows:*

Nature of injury.	Wage per month.	Compensation paid.		
		Rate per month.	Time period.	Total.
Loss of arm (or use) at elbow	$50.00	$25.00	72 months	$1,800.00
	100.00	50.00		3,600.00
	150.00	75.00		5,400.00
Loss of hand (or use) at wrist	50.00	25.00	57 months	1,425.00
	100.00	50.00		2,850.00
	150.00	75.00		4,275.00
Loss of leg (or use) at knee	50.00	25.00	66 months	1,650.00
	100.00	50.00		3,300.00
	150.00	75.00		4,950.00
Loss of foot (or use) at ankle	50.00	25.00	48 months	1,200.00
	100.00	50.00		2,400.00
	150.00	75.00		3,600.00
Complete loss of hearing in both ears.	50.00	25.00	72 months	1,800.00
	100.00	50.00		3,600.00
	150.00	75.00		5,400.00
Complete loss of hearing in one ear.	50.00	25.00	36 months	900.00
	100.00	50.00		1,800.00
	150.00	75.00		2,700.00
Complete loss of sight in one eye.	50.00	25.00	30 months	750.00
	100.00	50.00		1,500.00
	150.00	75.00		2,250.00
Loss of thumb	50.00	25.00	13 months	325.00
	100.00	50.00		650.00
	150.00	75.00		975.00
Loss of one phalanx of thumb	50.00	25.00	6½ months	167.50
	100.00	50.00		325.00
	150.00	75.00		482.50
Loss of first finger	50.00	25.00	9 months	225.00
	100.00	50.00		450.00
	150.00	75.00		675.00
Loss of 2 phalanges of first finger.	50.00	25.00	4½ months	112.00
	100.00	50.00		225.00
	150.00	75.00		337.50
Loss of second finger	50.00	25.00	7 months	175.00
	100.00	50.00		350.00
	150.00	75.00		525.00
Loss of 2 phalanges of second finger.	50.00	25.00	3½ months	87.50
	100.00	50.00		175.00
	150.00	75.00		262.00
Loss of third finger	50.00	25.00	6 months	150.00
	100.00	50.00		300.00
	150.00	75.00		450.00
Loss of 2 phalanges of third finger.	50.00	25.00	3 months	75.00
	100.00	50.00		150.00
	150.00	75.00		225.00
Loss of fourth finger	50.00	25.00	5 months	125.00
	100.00	50.00		250.00
	150.00	75.00		375.00
Loss of two phalanges of fourth finger.	50.00	25.00	2½ months	62.50
	100.00	50.00		125.00
	150.00	75.00		187.50
Loss of great toe	50.00	25.00	9 months	225.00
	100.00	50.00		450.00
	150.00	75.00		675.00
Loss of any other toe	50.00	25.00	4 months	100.00
	100.00	50.00		200.00
	150.00	75.00		300.00
Averages	100.00	50.00	24 months	1,197.34

(2) In all other cases of injury resulting in permanent partial disability the compensation shall bear such relation to the periods stated in subdivision 1 of this clause (D) as the disabilities bear to those produced by the injuries named therein, and payments shall be made for proportionate periods not in any case exceeding 72 months.

(3) *Where temporary total disability results from any injury there shall be paid 50 per cent of the monthly wages of the injured employee during the continuance of such temporary total disability.*

Nature of injury.	Wage per month.	Compensation paid.		
		Rate per month.	Duration of disability.	Total.
Temporary total loss of sight in both eyes.	$50.00	$25.00	12 months x 2 years	$400.00
	100.00	50.00		800.00
	150.00	75.00		1,200.00
Broken leg(s)	50.00	25.00	12 months	300.00
	100.00	50.00		600.00
	150.00	75.00		900.00
Broken arm(s)	50.00	25.00	6 months	150.00
	100.00	50.00		300.00
	150.00	75.00		450.00
Temporary total paralysis	50.00	25.00	12 months x 5 years.	1,500.00
	100.00	50.00		3,000.00
	150.00	75.00		4,500.00
Curable imbecility or insanity	50.00	25.00	12 months x 10 years.	3,000.00
	100.00	50.00		6,000.00
	150.00	75.00		9,000.00
Causing temporary total disability lasting over 14 days.	50.00	25.00	3 months	75.00
	100.00	50.00		150.00
	150.00	75.00		225.00

(4) Where temporary partial disability results from an injury, the employee, if he is unable to secure work at the same or better wages than he was receiving at the time of the injury, shall receive 50 per cent of his wages during the continuance of such disability; but such payment shall not extend beyond the period fixed for payment for permanent partial disabilities of the same character; and if the employee refuses to work after suitable work is furnished or secured for him by the employer, at the same or better wages than he was receiving at the time of the injury, he shall not be entitled to any compensation for such disability during the continuance of such refusal.

In the above, as in other cases, the employer is required to furnish "all medical and surgical aid and assistance that may be reasonably required, including hospital services," during the 14 days and to continue the same after the 14 days in an amount not to exceed $200; and all this in addition to the awards allowed. The average for these classes under the liability law is $73 per case.

LOBBIES.

Mr. TAVENNER. Mr. Speaker, I wish to ask unanimous consent to extend my remarks in the RECORD on the subject of lobbies.

The SPEAKER. The gentleman from Illinois [Mr. TAVENNER] asks unanimous consent to extend his remarks in the RECORD on the subject of lobbies. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, may I ask my colleague whether it is his intention to insert in the RECORD one of his entertaining newspaper articles published throughout the country, so that Congress may have the same information that he gives to others?

Mr. TAVENNER. No. I can inform the gentleman that I think this will be even more interesting than any of my newspaper articles, should I get the permission.

The SPEAKER. Is there objection?

There was no objection.

Mr. TAVENNER. Mr. Speaker, in the election last fall the people elected Members of Congress to revise the tariff on sugar and other necessaries downward as one step toward the reduction of the ever-increasing cost of living.

Powerful lobbies are now in Washington endeavoring to persuade these Members of Congress to break their pledges to the people and betray the consumers of the land, to the end that a few men, already rich beyond the dreams of avarice, may add to their swollen fortunes.

It was to place before the public this state of affairs that President Wilson made his now famous statement, in which, referring to these lobbies, he said:

Washington has seldom seen so numerous, so industrious, or so insidious a lobby. There is every evidence that money without a limit is being spent to sustain this lobby and to create an appearance of a pressure of public opinion antagonistic to some of the chief items of the tariff bill.

In order that the public might know all of the facts about the condition alluded to by President Wilson, I introduced a resolution providing for the appointment of a committee of five Members of the House of Representatives to investigate the subject.

RESOLUTION TO INVESTIGATE LOBBIES.

This resolution reads as follows:

Whereas it has been charged by the President of the United States and there is reason to believe that a powerful and insidious lobby, representing interests hostile to the passage of the pending tariff bill in the form adopted by the House of Representatives, is in existence in Washington; and

Whereas newspapers are being filled with paid advertisements calculated to create an artificial public opinion against certain items of the tariff bill; and

Whereas it is charged and there is reason to believe that unlimited funds have been placed at the disposal of this lobby for the purpose of overcoming the interests of the public for the private profit of the interests which they represent; and

Whereas the public maintains no lobby and is powerless to reply to the paid advertisements of any lobby representing financial interests; and

Whereas bills are pending in Congress to regulate and control the operation of lobbies at the National Capitol, and it is advisable to gather any and all facts bearing on the aforesaid conditions and charges or in any way relating thereto as a basis for remedial purposes: Therefore be it

Resolved, That a special committee of five Members be appointed by the Speaker of the House of Representatives to sit during the sessions of the House and during the recess of Congress for the purpose of investigating and reporting to Congress the facts in connection with the operation of any lobby or lobbies in Washington; said committee shall inquire into the sources whence any such lobby or lobbies are supplied with funds and the amount of funds so contributed; and shall also ascertain where and how these funds are expended and for what immediate and ultimate purpose; and shall go into a general inquiry to learn the methods by which any lobby seeks to influence legislation in Congress.

PEOPLE WANT CAMPAIGN PROMISES KEPT.

If Members of Congress were to allow themselves to be guided by the views of the lobbyists, they would conclude that the people back home were not in good faith when they voted for tariff revision downward. Or, if they were in good faith at the time, that they have since changed their minds, deciding they do not desire the monopolies of the tariff trusts interfered with.

But President Wilson is not being fooled. Nor is the average Member of Congress. They know that for every man who beseeches them in Washington to retain the tariff on sugar there are nine hundred and ninety-nine of their constituents who are not writing letters, but who demand that promises made to them before election be kept after election, and especially the downward revision of the tariff on the vital necessaries of life, such as sugar.

President Wilson and the Members of Congress also know that every penny of the extra dividends that the lobby interests will make by virtue of legislation granting them special privileges must come from the pockets of the men, women, and children in the districts back home.

It will be recalled that President Taft once faced the same crisis that Members of Congress face now. He listened to the voices at his ear in Washington, whom the late Senator Dolliver described as "men who knew exactly what they wanted." President Taft forgot the folks at home who do not write letters, but who desired tariff revision downward, and on the very first election day following they got revenge. The lobbyists in Washington whose counsel he had accepted were powerless to save him from the wrath of the home folks who vote, but who maintain no lobbies in Washington.

LOBBIES DEFEATED GROVER CLEVELAND.

"The trusts and combinations—the communism of pelf—whose machinations have prevented us from reaching the success we deserved, should not be forgotten nor forgiven."

These are the words of Grover Cleveland. He was referring to the tariff lobbies which prevented the Democratic Party from living up to its campaign promises of 1892.

President Wilson no doubt has in mind what the lobbyists did to the Wilson Democratic tariff bill in the Senate in 1894 when he denounces the lobbies operating in Washington.

A review of what happened to the last Democratic tariff bill as a result of the work of the lobbies while the measure was in the Senate is especially interesting at this time when special privilege is trying to perform the same old trick of robbing the consumers of the fruits of their victory at the polls.

CAMPAIGN PROMISES WERE FULFILLED IN HOUSE.

On December 19, 1893, Chairman Wilson, of the Democratic Ways and Means Committee, reported his tariff revision downward bill to the House of Representatives. It was a fulfillment in nearly every particular of the promises made by the Democrats in the campaign of 1892, which brought about their election. Although denounced by the more partisan Republicans as a free-trade measure, it was in reality but a conservative step in the direction of freer trade, and was well received by the Democratic Party throughout the country. It made rather moderate reductions in the duties on woolen goods, cottons, linens, silks, pig iron, steel billets, steel rails, china, glassware, and earthenware. It removed entirely the taxes on wool, coal, iron ore, lumber, and on sugar both raw and refined.

The bill passed the House February 1, 1894, by a vote of 182 to 106, 61 Members not voting.

BUT LOBBIES GOT IN THEIR WORK IN THE SENATE.

But in the Senate special privilege attacked the bill ferociously, powerful lobbies being conducted day and night. Certain Democratic Senators, foremost among them Gorman, of Maryland, and Brice, of Ohio, forgot the solemn pledges of the Democratic convention of 1892 and rendered most efficient services to the protected interests.

The work of the lobbies had their effect. The special-interest servers in the Senate obtained one amendment after another, each one restoring a part of the remitted duties. In all, the Senate made 634 changes in the House measure, destroying entirely its original character. The people were cheated out of their victory at the polls. Special privilege had stepped in and, via the lobby route, had defeated the interests of the people. The bill was passed, but President Cleveland refused to sign it, allowing it to become a law without his signature.

President Grover Cleveland deserved credit for having endeavored in every good faith to see that preelection promises should be carried out. His whole soul was in the fight. His defeat at the hands of the lobbies carried the bitterest humiliation and disappointment. He was a changed man all the remaining years of his life. In a letter to Mr. Catchings, a Mississippi Congressman, he used the quotation alluded to. It should be easy for everyone to realize that President Wilson, in the courageous fight he is making against the lobbies in Washington, is simply trying to prevent special privilege from again depriving the American people of a well-earned victory.

THE MILK IN THE LOBBY-CONTROVERSY COCONUT.

If the sugar lobbyists should succeed in having the tariff restored to sugar, the Sugar Trust and the men back of the sugar lobbies would each year draw down dividends amounting to millions of dollars.

But where would this money come from? The answer to this question is the milk in the lobby-controversy coconut. The millions that would go annually to the sugar magnates would not drop from the blue sky, but would come from the consumers—the men, women, and children of the United States who use sugar.

The lobby issue is plain. If the lobbyists win out in their fight to persuade Members of Congress to forget their promises to the people and slap the tax back on sugar, the consumers must go on contributing to the coffers of the Sugar Trust by paying artificially high prices for sugar. And if the sugar lobbyists do not succeed, these millions will be saved to American consumers.

Thus it will be seen that the consumers have something at stake in the framing of a tariff bill as well as the sugar barons.

SOME WHO WOULD BE BENEFITED BY SUGAR LOBBYISTS.

If the sugar lobbyists should succeed, one of the principal beneficiaries would be the same old Sugar Trust which not so very long ago stole some $2,000,000 from the Government in customs duties by deliberately placing steel springs in 14 pairs of scales, so that their importation of sugar would be underweighed and the Government cheated. Caught red-handed, the trust was forced to disgorge most of the plunder, and a few underlings were sent to jail and released after serving a small portion of their sentence. But none of the millionaire sugar magnates into whose pockets the stolen millions would have gone had the crime been undiscovered were even called to the bar of justice, let alone prosecuted.

Conducting a lobby in Washington by the sugar interests is a business proposition strictly. The multimillionaire sugar magnates, who are every year adding to their colossal fortunes by millions through the kindness of Uncle Sam in giving them a protective tariff which guarantees them a monopoly of American markets with power to charge consumers what they please for sugar, can well afford to spend a few hundreds of thousands in the form of $1,000-a-month salaries to slick-tongued lobbyists, if by doing so they can prevent their monopolies and profits from being interfered with.

To hear the wail now going up from the $1,000-a-month men one would imagine Congress had not given the sugar people any opportunity whatever to be heard. The fact is a committee of 21 Members of the House of Representatives—the Ways and Means Committee—sat in session for weeks, listening to the arguments of those desiring protection. The sugar people were permitted to say any and every thing they desired. The members of the Ways and Means Committee sat somewhat as a court. They considered all the testimony, and then brought in their verdict in the form of the Underwood bill. After having had a fair deal in open court the Sugar Trust is now trying to win, as usual, by the underhand method of approaching Members of Congress in private or working in the dark.

The people are at a disadvantage in the face of this kind of warfare, because they have no knowledge of the pressure and kind of arguments brought to bear on Congressmen by special privilege. There are no lobbyists to present the viewpoint of the consumers or to disprove the false statements which may be poured into the Congressmen's ears by the able and resourceful representatives of the Sugar Trust.

NATURALLY THE PEOPLE ARE AVERSE TO LOBBYING.

If a man living in California had a lawsuit before a judge in far-away New York, and knew that his rival in the litigation was in the habit of dining with the court and spending an hour or two daily in private conversation with him "in chambers," he would, if he was an average human being, be inclined to be a little nervous over the situation. And that is about the way it is with the consumers of the United States. They are just a little bit nervous over the fact that special privilege is paying men $1,000 a month to persuade their representatives to vote for the interests of the tariff trusts instead of the interests of the consumers.

SENATOR THOMAS ON FIRING LINE FOR CONSUMERS.

By his recent speech in the Senate exposing the methods used by the Beet Sugar Trust to manufacture false and artificial public sentiment against the tariff bill, Senator THOMAS, of Colorado, has performed a public service second only to that of the President in calling attention to the insidious tariff lobby, the most powerful which ever operated in Washington.

Senator THOMAS's speech gives the public some idea of the pressure national legislators must withstand when they attempt to pass laws which the special interests oppose but which the people want.

Senator THOMAS and his colleague, Senator SHAFROTH, as well as two Representatives at large, EDWARD KEATING and E. T. TAYLOR, were elected in Colorado last fall on the Democratic ticket by pluralities ranging from 45,000 to 50,000 votes. While the platform did not specifically indorse the removal of the duty on sugar, it indorsed all the actions of the last Democratic House, one of which was to pass a free-sugar bill, and Representative KEATING ran on a straight free-sugar platform. It appears evident that Colorado, with its extensive sugar industry, voted for free sugar by a plurality of 45,000.

The special session of Congress met. The tariff bill, providing for free sugar, was introduced. And then what happened? From all parts of Colorado letters began pouring in on that State's Senators and Representatives protesting against free sugar. So numerous and vehement were these letters and telegrams that they apparently indicated a tremendous revulsion of feeling in the State toward the sugar tariff. Any honest legislator might well hesitate before he voted against such an overwhelming expression of public opinion.

HOW EMPLOYERS COME TO PROTEST AGAINST FREE SUGAR.

Senator THOMAS, however, went behind the returns. He got in communication with Thomas S. Price, an intelligent man formerly employed by the Great Western Sugar Co., at Longmont, Colo., who told the Senator how the fictitious public sentiment was manufactured. He wrote:

You will no doubt receive letters from employees of the factory here, as they are compelled in an underhanded way either to write them or take chances of losing their jobs by refusing.

Price inclosed a form letter which the sugar companies ordered their employees to copy, sign, and mail to Washington. This letter does not speak for the sugar company but is all for the poor farmer and the poor wage earner. After instructing the employees how to direct the letters, the instructions were:

A letter to Hon. Woodrow Wilson, President of the United States, Washington, D. C., will do a lot of good. If you are a Democrat, tell them so; it will carry more weight.

In this way thousands of employees of Colorado sugar mills have been "influenced" to write to their Senators and Congressmen, urging them to vote against free sugar. Senator THOMAS charged that a similar campaign was carried on among the sugar-beet growers and with banks and commercial associations, all of whom have been adding their letters to the flood now pouring in upon the Colorado legislators.

HOW SENATOR THOMAS VIEWS THE MATTER.

These companies have made an enormous amount of money, not only upon their capitalization, but upon their overcapitalization—

Declared Senator THOMAS—

Two of them operating in Colorado represent collectively a capital of $50,000,000, $30,000,000 of which is water pure and simple. Yet they have paid dividends constantly upon their preferred stock, and for a large part of the time on their watered stock, and one of them has a surplus in the treasury in excess of $10,000,000.

This fight merely means that these hugely overcapitalized industries want to retain their franchise to rob the people by taxing the necessaries of life, to the end that they may pay profits upon the capital that they have invested and upon the capital they have manufactured with printing presses and fountain pens.

Senator THOMAS's ringing challenge to the sort of public opinion these bloated corporations have manufactured deserves to be read in the public schools as an example of the new, rugged patriotism which now has control of Congress. He said:

Mr. President, while I have the most profound respect for petitions sent to myself while I am a Member of the Senate, I want to say here and now, and I think I speak for my colleague [Mr. SHAFROTH] as well as myself, that I was sent here by the people of my State, by the producers and by the consumers, by men and women who are not organized, who have no lobby, who are possessed with no great fund to go out through the highways and byways of the State seeking and obtaining favorable action in their behalf by the great banks and associations.

They are the toilers and the taxpayers, "the common people," as Mr. Lincoln called them. It is their interest and their welfare, their wants and their desires that I propose to represent and promote in the Senate of the United States to the best of my ability. They look to us for relief, and we shall not disappoint them.

ANOTHER PHASE OF SUGAR LOBBY QUESTION.

A land of oppression, misery, and sorrow, that is the picture drawn of the Hawaiian sugar plantations by testimony brought out by the Senate lobby investigation.

The very crowd of men whose legislative activities in Washington brought forth the recent lobby accusation from President Wilson are the representatives of rich planters whose cruel exploitation of their wage slaves has no counterpart under the Stars and Stripes.

These sugar growers, earning profits of 50 to 90 per cent, and asking for the continuance of a tax of over $100,000,000 annually on the American people, that they may continue to reap their golden rewards, are coming before Congress in the name of "protection against the pauper labor of Europe," all the while they maintain a labor standard that is a blot on American civilization.

So terrible are working conditions in Hawaii that European and Asiatic laborers, deceived into coming to the island, literally starve themselves in order to save up passage money for San Francisco, and escape the trap into which they have been inveigled. A horde of these pauper laborers are beginning to arrive in California, in their extremity willing to work for any price, thus depressing wages of Americans on the Pacific coast.

Incidentally, Senator REED, of Missouri, a member of the lobby committee, showed that a report exposing this condition was written by Daniel F. Keefe, Commissioner of Immigration, who went to Hawaii at the request of Samuel Gompers, president of the American Federation of Labor, to study the industrial conditions. The report, however, was never published. It was suppressed by the Taft administration. The Bureau of Labor sent a man to Hawaii to get out another report on labor conditions. This report flattered the planters and was published.

The Government investigator who wrote the whitewashing report was shortly thereafter given a good job with the Hawaiian Territorial government, while Secretary Nagel later busied himself preparing charges looking to the removal of Keefe.

HAWAIIAN SUGAR-MILL LABORERS LITTLE BETTER OFF THAN SLAVES.

Senator REED, however, resurrected the suppressed report and brought it before the lobby committee. The planters have been proudly proclaiming the fact that no peonage exists in Hawaii. After reading the report I am convinced it would be better for the wretched plantation and sugar-mill laborers if they were peons or actual slaves. They would be better treated by their owners.

Wages run from $8 per month for children up to $26 for white adult men. Hours are 10 and 12 a day. The employees

live in miserable shacks provided by the companies. The men buy food from company stores, where prices range from 10 to 70 per cent higher than average food prices in New York, Washington, Chicago, and San Francisco. The food is sold to the plantation stores by Honolulu wholesale houses, owned for the most part by the plantation owners.

Doctors employed by the companies have gone to visit sick laborers 24 to 48 hours after being called, sometimes only to find corpses instead of patients. Laborers are called insulting names and treated like dogs by field bosses. "In a desperate effort to keep down the wage rate of all employees" the planters are spending huge sums importing Filipinos for laborers. These workmen are the dregs of the Philippine population, gathered from jails and almshouses, the very young and the very old, weak, and racked with disease.

The imported laborer, arriving penniless, is held in actual subjugation, unable to escape from the island, which is possible only to the hardier individuals, who can endure starvation while saving passage money. But the rich owners have devised a crafty "homestead" system, whereby in exchange for an acre of land received after six years' occupancy the homesteader virtually binds himself to labor for life on the plantation.

WHY THE INSISTENCE FOR FREE SUGAR?

Why free sugar? Why has all of the bitterness of the tariff battle settled upon this single commodity, which is one of the cheapest of all foods and which at casual glance does not seem to rank high among the important food products?

The Louisiana cane-sugar producers claim that free sugar will wipe out their industry. The beet-sugar producers of the United States have an investment of about $61,000,000, according to the report of the Hardwick committee, which investigated the American sugar industry last year. The beet interests are claiming irreparable damage to be caused by free sugar. The Hawaiians, the Porto Ricans, the domestic beet-sugar producers, and the Louisiana interests are maintaining in Washington the tariff lobby against whose insidious activities President Woodrow Wilson so justly complains. These lobbyists contend that free sugar means ruin for the American sugar industry. And yet the administration is not halted. Why?

There is a basic principle underlying the Democratic determination to remove the tax from sugar. The ordinary man does not understand the question at all clearly. The sugar question has seldom been plainly stated to the average citizen. Yet when the conditions under which sugar is now produced are clearly understood, the free-sugar principle becomes as simple as it is just. It then becomes astonishing that this country ever taxed sugar. To protect this product is the very opposite of common business judgment.

I shall therefore endeavor to explain the free-sugar argument as I see it and the effect free sugar may be expected to have on the different phases of the industry in this country. In the first place, what of the importance of sugar as food?

In a recent bulletin issued by the Department of Agriculture sugar is given a place among the three or four most important foodstuffs, following after meat and bread. In the human diet it is the great energy producer. And so it is the great food of the workingman. Experiments have shown that while large quantities of sugar give dyspepsia to idlers and indoor workers it is readily digested by men who do manual work, supplying them with stores of physical energy.

Sugar as we know it, however, is a commodity of the last century. It was formerly produced only in India, and Europeans supposed it to be a gum which exuded from trees. Cultivation of sugar cane began in this country in 1751, but only in the last 75 years has it come into general use. The world production is now over 16,000,000 tons, of which over 4,000,000 tons, or 81 pounds per capita, are consumed annually in the United States.

In the latter part of the eighteenth century a German chemist discovered that sugar could be made from beets. This was merely a scientific curiosity until Napoleon, realizing the absurdity of fighting England's army while France was paying great annual sums to British sugar producers, which money England was using to equip new armies and navies, by imperial edict established a large number of sugar mills in France and ordered the French peasants to produce all the sugar consumed in the country.

This was the beginning of the beet-sugar industry, which has thrived until now the beet-sugar production of the world nearly equals that from cane. Sugar-beet growing began in the United States in the late nineties.

PEOPLE TAXED ANNUALLY IN EXCESS OF TOTAL SUGAR INVESTMENT.

Compare the total investment in the American sugar industry with the amount the duty on sugar costs the American people annually and we pick up the clue explaining why, despite the presence of the sugar lobbies in Washington, the 2-cent tariff tax was removed from sugar.

Exclusive of land and farm animals, which can be used in other farming operations, the total investment in sugar in the United States is about $100,000,000. For the benefit of the few men owning this industry the American people are taxed annually in the increased price of sugar $140,000,000, or $40,000,000 more than the total sugar investment. It is also $40,000,000 more than the total annual value of the American sugar crop, including its by-products.

To the individual this tax amounts to $1.50, or an annual charge of $7.50 on a family of average size.

Since 1897 the protection to the sugar industry has cost American consumers $2,000,000,000. But if the public got value received for this sum—in revenue to defray the cost of government—there would not be so much complaint. But the actual duty collected in 16 years has been only $800,000,000. The balance, $1,200,000,000, has been a bonus, pure and simple, wrung from the poor to create a new group of American millionaires.

CANE-SUGAR INDUSTRY IS LARGELY ARTIFICIAL.

Leaving aside the principle that sugar as a prime food necessity should come untaxed to the American public, the production of cane sugar in this country is an artificial, unnatural industry.

There are two types of sugar production—from sugar beets, grown in many sections of the country, and from sugar cane, grown along the Gulf coast of Louisiana and Texas. It is possible, indeed probable, that beet-sugar production has now progressed to a point where it can be called a natural industry. If so, it does not need protection in order to survive. But there is no natural justification for cane-sugar production in the United States.

It is possible to grow bananas and tea in New England in hothouses. Yet not even the most rabid protectionist would advocate a prohibitive duty on bananas or tea, raising the prices of these foods ten times above what they are now, in order that tea and bananas might be produced with profit in hothouses in New England.

In a somewhat smaller degree cane-sugar growing is a hothouse industry. The sugar in cane is called sucrose by chemists. Louisiana cane is only 6 to 7 per cent sucrose, while Cuban cane is 11 to 14 per cent and Hawaiian from 14 to 15 per cent sucrose, or over twice as much sugar in the same amount of cane.

In Cuba sugar cane grows naturally, and is planted once every 10 years. In Louisiana the cane must be replanted every year. There is never frost in Cuba: in Louisiana the cane must be cut in October before maturity to escape frost, thus accounting for the lower sucrose content. Louisiana sugar mills are antiquated, while some of the Cuban factories are the latest and most efficient in the world.

And so, though Louisiana wages are lower than those paid in Cuba, it costs nearly 4 cents to produce a pound of raw sugar in Louisiana against a Cuban cost of 2 cents. Said Representative T. W. HARDWICK, of Georgia, the great sugar expert of the House:

> In order to produce a cane-sugar crop valued at $25,000,000, our Louisiana friends insist that we ought to continue a system of taxation that costs the American people $140,000,000 in the increased price of sugar. It is undemocratic, it is unfair, it is unrighteous, and, so far as I am concerned, I will never stand for a continuance of this policy to keep a duty on this great necessity of life which can not possibly be produced in Louisiana one-half as cheaply as it can in the balance of the world.

AND NOW AS TO THE BEET-SUGAR INDUSTRY.

Why not continue the tariff tax on sugar in order to protect the sugar-beet industry?

This is the query raised by the sugar lobbies. Here is the answer: It is unfair to require 90,000,000 sugar consumers to pay 2 cents a pound more for sugar than it is worth in order to protect the sugar-beet industry, because, although the sugar-beet factories are overcapitalized approximately $80,000,000, or 57 per cent, they are paying large dividends and making millions in profits.

The greatest lobby ever known in Washington is now being financed by the beet-sugar manufacturers. Money is being spent like water, and the Senate investigation has shown a scandalous misuse of publicity and the postal franks of certain special-privilege Senators. If money can do it, this lobby will defeat free sugar, not because the industry faces ruin, but because the sugar barons wish to continue to pay enormous dividends in the worst watered industry in the United States. The high sugar duties of the successive Dingley and Payne tariffs have made possible an overcapitalization in this industry without parallel in American financial history.

The total capitalization of all the beet-sugar companies is $141,000,000. The industry is peculiar in that it is possible to estimate very closely the actual cost of building factories. It has been worked out that it costs to build a factory $1,000 for each ton of beets to be consumed by the factory per day. Thus a mill with 100 tons of beet capacity per day costs $100,000.

Now the total daily capacity of all the beet-sugar factories in America is 63,550 tons, showing that the total actual investment is not over $63,550,000. Indeed, the Hardwick sugar committee estimated the actual investment at $60,712,000.

EIGHTY MILLIONS OF DOLLARS OF WATER.

Thus, of the beet-sugar capitalization, from seventy-eight to eighty millions of dollars is pure water, or 57 per cent. J. Pierpont Morgan in his prime never poured water into stocks at this rate. Even the Steel Trust achievement could not equal it.

Some of the individual companies exceed even this figure. The Great Western Sugar Co., capitalized at $30,000,000, is worth $10,600,000. The American Beet Sugar Co., with $20,000,000 capitalization, represents an investment of $5,300,000. The plants of the Michigan Sugar Co., which issued over $11,000,000 capital stock, can be duplicated for $5,450,000.

But in spite of these fictitious valuations, the sugar companies have been able to pay high dividends on all their capital stock. The sugar investigation showed that the Great Western Sugar Co., besides paying 7 per cent dividends on its preferred stock and 5 per cent on common, amassed a surplus of $9,000,000 in five years, making an annual net profit on actual investment of 36 per cent, or 182 per cent in five years. This company actually had to juggle its figures to keep down dividends on stock over half of which was water.

The American Beet Sugar Co. made $9,600,000 on an actual investment of $5,300,000 in seven years. The Michigan Sugar Co. paid back in four years every dollar of real money invested in it.

The great crime of modern finance is overcapitalization. A charter granted to a watered concern is simply a charter to rob the poor and the helpless, for obviously either prices must be raised to an unnatural level or wages must be reduced in order that dividends may be paid on money that is not invested. The beet-sugar industry is one of the worst of offenders, yet its great lobby is demanding that the working people of this country shall be taxed $1.50 per year in order that they may continue to pay dividends on watered stock.

ADDITIONAL JUDGE, EASTERN DISTRICT OF PENNSYLVANIA.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of House bill 32, Calendar No. 3 on the House Calendar.

The SPEAKER. The gentleman from Alabama calls up a bill which the Clerk will report. The gentleman from Alabama will please send up the bill.

Mr. CLAYTON. Mr. Speaker, it was turned in at the Clerk's desk yesterday.

Mr. MANN. As I understand, the gentleman asks unanimous consent. Reserving the right to object——

Mr. CLAYTON. I did not hear what the gentleman said, and I ask that he repeat it.

Mr. MANN. I understood that the gentleman asked unanimous consent for the immediate consideration of House bill 32.

Mr. CLAYTON. That is correct.

Mr. MANN. I shall object in the end to the immediate consideration of that bill this morning, so I doubt whether it is necessary to read the bill.

Mr. CLAYTON. Mr. Speaker, the matter is presented in rather an unusual way, but not without a precedent. May I give a history of the matter? The bill which passed the House relates to this additional judge in the district in which the city of Philadelphia is located.

Mr. MANN. I beg the gentleman's pardon. I supposed he was talking about another bill.

Mr. CLAYTON. Not now.

The SPEAKER. Anyway the gentleman ought to get some action on this conciliation bill which has just come over.

Mr. MANN. The gentleman said it was a bill reported in yesterday, and I supposed it was the conciliation bill.

Mr. CLAYTON. There was so much confusion——

Mr. MANN. Yes. The gentleman gave the number of the bill correctly, but I thought it was the other bill. I beg the gentleman's pardon.

The SPEAKER. The Chair will call the attention of the gentleman from Alabama and all concerned to the fact that the Senate has just sent over a message transmitting this conciliation bill.

Mr. MANN. The gentleman has not called up the mediation bill, as both the Speaker and I supposed, but is calling up the bill for the additional judge in Pennsylvania.

Mr. CLAYTON. I was about to tell what it is, and once for all now, if I may be permitted, I will do so.

The SPEAKER. The gentleman will proceed.

Mr. MANN. Reserving the right to object——

Mr. CLAYTON. Some time ago this House passed a bill providing for the appointment of an additional judge to preside over the United States court in the district in which the city of Philadelphia is located. That bill was considered in the House here, and passed with an amendment which is known as the Cullop amendment, requiring publication of the indorsements of the appointee.

Mr. PALMER. Known also as the Mann amendment.

Mr. CLAYTON. I may say an amendment hereafter to be known as the Mann amendment.

Mr. MANN. The gentleman was correct the first time. It is the Cullop amendment.

Mr. CULLOP. "The gentleman from Indiana" accepts the distinction and is proud of it.

Mr. CLAYTON. The gentlemen may quarrel about that distinction among themselves. That is not pertinent to this inquiry. We will call the baby either Mann or Cullop. It will be just as pretty it matters not which, because they are both specimens of personal pulchritude. [Laughter.] I myself do not know which one is the more beautiful. That would be an æsthetic question, and perhaps the ladies can determine that when suffrage is universal.

This bill passed with that amendment and went to the Senate. The Senate struck out that part of the bill which we have designated as the Cullop or Mann amendment, and also amended the bill in the further particular by putting on another section providing for the appointment of an additional circuit judge in the fourth circuit, in which circuit the States of West Virginia, Virginia, South Carolina, and others lie.

With those two amendments the bill passed the Senate and came here.

The chairman of the Committee on the Judiciary has made several efforts to secure a disagreement to the Senate amendments and to ask for a conference, but has not been successful. The bill is now reported back here with a resolution providing for the appointment of a conference committee. I find a precedent for that in Hinds' Precedents, volume 5, page 649, section 6271, and that seemed to me to be the only way to get the matter up, having failed to get it up in the other way which I have attempted heretofore, which is well known to the House. Therefore, Mr. Speaker, I ask for the adoption of the resolution which the committee reported, which is at the Clerk's desk, to disagree to both the Senate amendments and send the bill to conference.

The SPEAKER. The gentleman from Alabama asks unanimous consent to disagree to the Senate amendments and send the bill to conference. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this bill has been reported to the House and I suppose has been referred to the Committee of the Whole House on the state of the Union, although it appears by the calendar that it was referred to the House Calendar. It should have been referred to the Union Calendar, because it is a bill requiring consideration in Committee of the Whole House on the state of the Union; but if it has not been referred to the Union Calendar I suppose it would not require unanimous consent to discharge the committee. I think we had better have the Senate amendments reported before the request is put.

Mr. CLAYTON. I have no objection to that.

The SPEAKER. The Clerk will report the Senate amendments.

Mr. MANN. Are the original papers at the desk?

Mr. CLAYTON. They were turned into the Clerk's desk yesterday.

Mr. MANN. The House can not act unless they are actually at the desk.

The Clerk read as follows:

Page 1, lines 9, 10, and 11, strike out the following: "*Provided, however*, That the President shall make public all indorsements made in behalf of the person appointed as such district judge."

Add a new section as follows:

"SEC. 3. That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint an additional circuit judge for the fourth circuit, who shall receive the same salary as other circuit judges now receive, and shall reside within the said fourth circuit: *Provided*, That the office of circuit judge to which Robert W. Archbald was originally appointed is hereby abolished and no successor shall be appointed to fill said office."

Mr. MANN. If the gentleman from Alabama will make a request for the immediate consideration of the Senate amendments, I shall not object.

Mr. CLAYTON. I am told that perhaps others will object on this side.

Mr. MANN. I can not help that; I have no control over them.

Mr. CLAYTON. Will the gentleman permit me to give an entire answer to his question?

Mr. MANN. Yes.

Mr. CLAYTON. I want to say that the only object of the request I have preferred to-day is to get the disagreement to the Senate amendments and get the matter into conference. Then the whole matter will come up for discussion and further consideration on the report of the conferees. I hope that the gentleman from Illinois will let it go through in that shape. There will be ample opportunity to discuss the Cullop and the Mann amendment and vote on it.

Mr. MANN. The gentleman from Alabama knows, and there is no use to beat around the bush, that the conference report is acted upon as a whole, and that there is no opportunity to have a separate vote on any amendment when it is presented. The gentleman can not mislead me on that subject, nor does he intend to. If the gentleman desires immediate consideration of the Senate amendments I have no objection. But I shall demand a separate vote on the amendments.

Mr. CLAYTON. I do not think the gentleman is entirely correct. I think the conference report would be the subject of debate.

Mr. MANN. Subject of debate, certainly.

Mr. CLAYTON. And discussion; and that would bring up the whole question as to this Cullop or Mann amendment as well as the judgeship and whether we should agree to the conference report. That would be the very question presented to the House by the conference report, and the whole matter would then be before the House for full consideration.

Mr. CULLOP rose.

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Indiana?

Mr. CLAYTON. With pleasure.

Mr. CULLOP. Mr. Speaker, I would like to ask the gentleman a question regarding the conditions that now exist that did not exist when this bill passed the House. There has been a removal now of one of the judges of the Commerce Court, Mr. Archbald. He was from the State of Pennsylvania, and a resolution has already passed the caucus of the majority in this House to abolish the Commerce Court. Now, what is there to prevent the President filling that vacancy and designating that judge to hold court in Philadelphia until the disability of the present judge is removed? It seems to me that there is no necessity of this bill at all under the conditions as they exist at this time. It is creating a bad precedent in the appointment of judges who are to sit in place of some other judge without creating either a new circuit or a new court. That is the condition that exists now, and it begins to look like this was done more to give some one a berth than to relieve an existing necessity. I ask the gentleman from Alabama who has charge of this matter if the whole matter can not be remedied in the manner I have pointed out?

Mr. CLAYTON. I do not think that the situation in the city of Philadelphia that this bill sought to remove when it was introduced in the House and passed can be removed in the way the gentleman suggests, but the conference committee could take care of one branch of his suggestion, and that is in regard to creating another circuit or creating another judgeship for the fourth circuit, as the Senate sought to do by the amendment which it put upon it.

Mr. HARDWICK. Mr. Speaker, will the gentleman yield there?

Mr. CLAYTON. Yes.

Mr. HARDWICK. Is the fourth circuit judgeship involved in this proposition now?

Mr. CLAYTON. Yes; that is one of the Senate amendments to which I want to disagree.

Mr. HARDWICK. The gentleman wants to disagree to that?

Mr. CLAYTON. Yes.

Mr. HARDWICK. I am in hearty sympathy with the gentleman's motion in that respect.

Mr. CLAYTON. I want to disagree to the other amendments, also.

Mr. HARDWICK. I understand the gentleman to mean that as a conferee he is going to resist that amendment?

Mr. CLAYTON. The conferee is going to do the best he can.

Mr. HARDWICK. That is his position on the conference?

Mr. CLAYTON. Does the gentleman think that is a proper question? If he does, I will answer it, and I will submit it to him. Does the gentleman think that a conferee ought to tell his attitude before he goes into the conference? If the gentleman does, then I will say that I have no concealments to make; but, as a matter of good form, does the gentleman think it is a proper thing?

Mr. HARDWICK. I will not insist upon that; but I will ask the gentleman this: Will the gentleman agree, as one of the conferees, that before there is any action on the conference report the House shall be given a separate vote on that question?

Mr. CLAYTON. Mr. Speaker, I do not think I could deprive the House of the opportunity if it wanted it.

Mr. HARDWICK. Oh, yes. We have to vote on a conference report as a whole.

Mr. CLAYTON. I may say that I said to the gentleman from Illinois [Mr. MANN] in the beginning of my remarks that the House would have an opportunity to consider it. I shall certainly favor the House voting separately on these propositions, and I do not want to say any more about my attitude; but there will be no disposition, and there never has been on my part, to preclude the House from expressing its candid judgment. I never have invoked technicalities.

Mr. HARDWICK. But one of the rules of the House is that a conference report is voted on as a whole.

Mr. CLAYTON. Oh, I understand. I know it is not severable ordinarily, but I know that if it is requested ordinarily it is severed, and there is a division had if requested, and I can assure the gentleman if the committee on conference does not ask a separate vote there would be no objection to his or any other gentleman asking for and obtaining a division of the question.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. Yes.

Mr. DYER. After the conference report comes in, and a request is made by some one to have a separate vote on these two amendments, would it not be necessary to have unanimous consent to obtain it?

Mr. CLAYTON. I do not think so; but I think if it were, there would be no objection, and if that sort of contingency should arise, all I can say is that I shall do everything in my power to see that the House has the opportunity to express its opinion upon these two separate propositions, and I think it will have.

Mr. PALMER. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. PALMER. Mr. Speaker, if the gentleman will permit, I would like to say a word in answer to the suggestion made by the gentleman from Indiana [Mr. CULLOP]. At the time that this matter was first brought before the Committee on the Judiciary of the House a vacancy had not occurred in the circuit court, and Judge Gray, of the United States Circuit Court, declared that he had made every effort possible with the judges who were then available under the law to go into that district to relieve the unfortunate conditions caused by the ill health of Judge Holland, and that he had been unable, with the assistance of the Chief Justice of the Supreme Court or in any other way, to man the bench in the eastern district of Pennsylvania in such a way as to materially relieve the congestion there. So that that condition would again obtain if a circuit court judge were to be named in the place of Judge Archbald. Even if the Commerce Court is abolished, the work done by the Commerce Court judges is not to be abolished. That will have to be done in the circuit courts to which the judges of that court will be assigned, and it will then be as difficult as it was when Judge Gray told the Judiciary Committee of the House that he could not get the necessary help for this Philadelphia court.

The gentleman says this creates a bad precedent. It is creating no precedent. It is following a good precedent. In four or five cases the Congress, where a judge on account of ill health has been incapacitated mentally or physically from the performance of labor, has passed a bill of this kind creating an additional judge, with the proviso that when a vacancy occurs upon that bench it shall not be filled. This bill is simply following the precedent of the Texas case, the Baltimore case, and several other cases which gentlemen will remember.

Mr. CLAYTON. And the Ohio case.

Mr. PALMER. The gentleman from Indiana further says that he believes that this bill is urged for the purpose of creating a soft berth for somebody rather than by public needs. I introduced this bill, and I want to deny in terms as strong as I can make them any such purpose on the part of anybody who has been behind this proposition from the beginning. It was originally introduced during the last administration, when it was, however, impossible to get it passed through the House on account of the congestion of business here. Lawyers in Philadelphia, regardless of party politics, have urged that this place be created. A committee of the Philadelphia Bar Association, consisting of 12 or 15 men, of whom only 1 was a Democrat, asked that this place should be created.

I have not the slightest notion that anybody knows who would be in the mind of the President for the appointment to this important place. No consideration has been given to the

question of who should be the judge and will not be until we shall have passed this piece of legislation. I want to say this further thing, if the gentleman from Alabama will permit me, that I think the gentleman from Illinois [Mr. MANN], by his tactics in this matter has done a grave injustice to the people in that great district, 2,000,000 or more, who are to-day suffering because this emergency measure of a very urgent character is being prevented from passage by his action. When the bill was originally introduced it was a simple proposition to relieve a judge who was dying and make it possible for the court to continue its business. The gentleman from Illinois has complicated this simple proposition by putting into the bill an amendment which he himself says he does not believe in, which he himself voted against——

Mr. MANN. But I did not put it in.

Mr. PALMER. But the gentleman is responsible for it—which he himself declares is vicious and ought not to be a part of any law. I leave it to him to say whether that kind of intellectual candor or legislative honesty is a right course to pursue in legislation of this character. Now, if that had not been done, the Senate would not have put this matter in a position where we have been compelled to wait for six weeks or more in order to get to a place where we can even have the thing considered, and the gentleman may take what consolation there is from the fact that his course has resulted in the denial of justice to suitors amongst the people of that district, comprising some 2,000,000 of souls. I plead with him on behalf of these people who earnestly insist that their causes ought to be tried and have a right to be tried; on behalf of these people who say that Judge Holland has served this country magnificently and well at a small salary for many years and is now very ill and unable to perform any labor; I ask that he permit them and him to do what in justice ought to be done for the people of that district—put the court in such a place where its business can be continued. Now, as to this Mann-Cullop amendment I do not think it of very much importance anyway. As far as I am concerned, I am satisfied that the President would have no objection to telling the name of every person who indorsed any candidate for a judgeship. I doubt the power of Congress to compel the Executive to disclose such names. It would be directory only; it would be a request probably to the President that he do it. I do not think it is a vital principle one way or the other, but at any rate if you are going to fight out that question and decide what is going to be the law, I say the gentleman from Illinois ought not to have complicated this simple little judgeship matter with it. Even that is now beside the question, because the proposition is to disagree to all these Senate amendments. I hope that neither the gentleman from Illinois nor the gentleman from Indiana will pursue this matter so far as to result in a longer denial of justice to our people.

Mr. MANN. Mr. Speaker, will the gentleman from Alabama yield to me?

Mr. CLAYTON. Certainly.

Mr. MANN. The gentleman from Pennsylvania [Mr. PALMER] endeavors to get his resolution up by making a personal attack upon me——

Mr. PALMER. A personal appeal to the gentleman.

Mr. MANN. A personal attack. He says that I am responsible for this amendment in the bill. Well, I offered the amendment on the floor. I did not vote for it. The Democratic side of the House, with a two-thirds majority in this Congress, adopted the amendment. The gentleman from Pennsylvania [Mr. PALMER] says that there is no principle involved in it. Why, then, was it inserted in the Democratic platform? Most of the Democratic platform is without principle, but I did not suppose that a leading Democrat on the floor, right after having elected his candidate for the Presidency upon a platform which probably he helped to write, would openly come into the House and declare that a pledge in that platform was mere buncombe. [Applause on the Republican side.] When this proposition for the creation of a district judge, involving the plank in the Democratic platform, came before the House, I offered the amendment on the floor in order to see the gentleman from Pennsylvania [Mr. PALMER] dodge. He dodged the best he could, but it hit him just the same.

Mr. PALMER. I did not dodge very much.

Mr. MANN. Now, when he wants to bring it before the House to-day, the Senate having by an amendment stricken out this provision, and the Democratic Senate having violated the platform of its party, I propose when the matter comes before the House to vote to concur in the Senate amendment, and let the gentlemen on that side of the House vote it in or vote it out, just as they please.

Mr. GARRETT of Tennessee. Will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from Tennessee?

Mr. MANN. Certainly.

Mr. GARRETT of Tennessee. Does the gentleman insist that a fair construction, or any construction which is reasonable, of that clause in the Democratic platform, means that there should be this legislation?

Mr. MANN. Why, certainly. There is no other construction that can be given to it. That is what it says. The House had adopted an amendment to a bill relating to the northern district of Illinois, the creation of a new district, on all fours, almost, with the pending bill, and the gentleman from Indiana [Mr. CULLOP] offered an amendment providing that all indorsements should be made public by the President. That was upon a bill relating to a district judge, and following that, the Democratic convention at Baltimore inserted in the Democratic national platform a plank in favor of the proposition, either because they were in favor if it or else because they were told by Mr. Bryan to put it in, he being the father, or daddy, of the idea.

Mr. GARRETT of Tennessee. If the gentleman will permit a moment more, inasmuch as I asked the question, and inasmuch as I voted against the amendment, as the gentleman knows, in both instances, I recollect fairly well the language of the platform, and my construction of it is that whatever binding force it may have affects the Executive, but it does not call upon the legislative branch of the Government to bring about legislation which it can not do under the Constitution.

Mr. MANN. Mr. Speaker, the amendment was offered in the House in the last Congress because the Commoner was asking it.

Mr. HENRY. Will the gentleman yield?

Mr. MANN. In just a second. It was a part of the legislative program of the House, adopted by the House and approved by the Democratic platform in view of what had taken place in the House.

Mr. HENRY. Does the gentleman think his amendment is well worded?

Mr. MANN. Well, I do not have any special pride in it. I copied the amendment in the main from the amendment of the gentleman from Indiana, and I believe the gentleman from Indiana, on the whole, uses better language than the gentleman from Texas [Mr. HENRY]. [Laughter.]

Mr. BARTLETT. The gentleman did not vote for the amendment, did he?

Mr. MANN. I did not.

Mr. BARTLETT. I commend him for not doing so, too.

Mr. HENRY. The gentleman says he proposes to concur in the Senate amendment?

Mr. MANN. Yes.

Mr. HENRY. I want to say to the gentleman that I stood by the amendment of the gentleman from Illinois, and if I am present this bill will not go through unless this amendment is left in.

Mr. MANN. All I want is a chance to vote on it.

Mr. CLAYTON. You will have that opportunity.

Mr. MANN. There will be no consideration given to the bill by unanimous consent, and I do not think in any other way, without an opportunity for a separate vote upon the Senate amendment. I have no objection to the consideration of the Senate amendment.

Mr. CLAYTON. Does the gentleman make that threat on the present proposition?

Mr. MANN. I make no threat.

Mr. CLAYTON. I demand the regular order.

Mr. MANN. That is equivalent to an objection.

Mr. CLAYTON. I want to cut off the cheap political play.

Mr. MANN. On that side of the House. The gentleman from Alabama [Mr. CLAYTON] usually makes such a play.

The SPEAKER. Is there objection?

Mr. CULLOP. I object, Mr. Speaker.

Mr. CLAYTON. I demand the regular order.

The SPEAKER. The Clerk will call the committees.

Mr. CLAYTON (when the Committee on the Judiciary was called). Mr. Speaker, I call up for present consideration the bill which the Clerk first read.

Mr. MANN. Mr. Speaker, I make the point of order that the bill is on the House Calendar and it properly belongs on the Union Calendar.

The SPEAKER. The point of order is sustained.

Mr. MANN. Come again. I would not have objected to the consideration of the bill.

Mr. CLAYTON. The resolution is on the calendar.

The SPEAKER. The bill itself will be transferred from the House Calendar to the Union Calendar, and the gentleman calls up his resolution, which the Clerk will report.

Mr. CLAYTON. Then, Mr. Speaker, after the committee calls are exhausted I shall move to go into Committee of the Whole

for the consideration of the bill. The gentleman from Illinois [Mr. MANN] can delay it a little bit longer.

Mr. MANN. I did not delay it. I did not object to the consideration.

Mr. CLAYTON. I beg the gentleman's pardon; he did.

Mr. MANN. I stated that particularly. The gentleman got impertinent.

Mr. CLAYTON. No; the gentleman from Alabama is always courteous.

The SPEAKER. The gentlemen are both out of order.

Mr. CLAYTON. He is never impertinent, but he preserves his rights. And the error made by the Clerk in putting the bill on the wrong calendar will be rectified.

The SPEAKER. The Clerk will proceed with the call.

The Clerk proceeded with the call of committees.

Mr. PADGETT rose (when the Committee on Naval Affairs was reached).

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

INCREASE IN NUMBER OF MIDSHIPMEN, UNITED STATES NAVAL ACADEMY.

Mr. PADGETT. I rise, Mr. Speaker, to ask unanimous consent to take up Senate bill 2272, the bill to extend the present law with reference to the appointment of cadets.

The SPEAKER. The gentleman does not need to have unanimous consent. The gentleman calls up bill S. 2272, which the Clerk will report.

The Clerk read the title of the bill, as follows:

"An act (S. 2272) providing for an increase in the number of midshipmen at the United States Naval Academy after June 30, 1913.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to have the bill considered in the House as in Committee of the Whole.

The SPEAKER. The call of committees will have to be finished first.

Mr. MANN. He asked unanimous consent.

Mr. PADGETT. Yes; I ask unanimous consent to consider it in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent to consider this bill in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

"Be it enacted, etc., That after June 30, 1913, and until June 30, 1919, there shall be allowed at the Naval Academy 2 midshipmen for each Senator, Representative, and Delegate in Congress, 1 for Porto Rico, 2 for the District of Columbia, and 10 appointed each year at large: *Provided*, That midshipmen on graduation shall be commissioned ensigns in the Navy, or may be assigned by the Secretary of the Navy to fill vacancies in the lowest commissioned grades of the Marine Corps or Staff Corps of the Navy."

Mr. MANN. Mr. Speaker, as I understand, this bill is for the purpose of adding one naval cadet from each of the districts and States—for how many years?

Mr. PADGETT. It continues the present law for six years. The present law expires on the 30th day of the present month, and this extends it for six years.

Mr. MANN. When was the present law enacted?

Mr. PADGETT. In 1903, to continue for 10 years.

Mr. MANN. This proposes to extend that for how long?

Mr. PADGETT. Six years longer.

Mr. MANN. How many cadets have been graduated or entered under the present law over and above those who would have been entered or graduated provided that only one cadet from a district had been authorized?

Mr. PADGETT. The law that was enacted in 1903 doubled the number of appointments.

Mr. MANN. I understand; but how many cadets have there been under that?

Mr. PADGETT. They have been having ordinarily from 600 to 800 midshipmen. The graduating class has averaged around 150 a year.

Mr. MANN. My information, and I think that of everybody else, is that at present, under the increase in the number of cadets, when the present cadets are graduated—those who are just entering under the existing law—and go into the Navy they would still be, after 30 or 40 years, most of them, practically down in the grade of lieutenant or lieutenant commander. And here the proposition is to add to that difficulty.

Of course, we all know that it is not desirable in the Navy or elsewhere to have men 50 or 60 years of age in the minor positions. Yet that will be the result of the bill if it be enacted.

Mr. PADGETT. There is a very great shortage of officers in the Navy, there is very great need for the officers, and there is a greater need for officers in the lower grades than in the higher. But it is true that under the operation of the present personnel legislation there will be, in a few years, a great hump in the lower grades unless it is remedied by legislation.

I will say to the gentleman that it is being considered by the committee. We have already taken the necessary initial steps to provide during this extra session extensive hearings on this question, with a view to reporting at the regular session a personnel bill for the purpose of reorganizing the personnel and to remedy the situation which the gentleman indicates.

Mr. MANN. I have no doubt the Naval Committee will do the best it can, but I have not the slightest idea that the House will adopt any provision which may be recommended by the Naval Committee for the purpose of removing this so-called hump, which will come all at once and which necessarily will require either that men be forced out of the Navy before the retiring age or that a large number of additional positions be created in the higher grades which are not needed.

Mr. TRIBBLE. Will the gentleman from Illinois permit a suggestion?

Mr. MANN. Certainly.

Mr. TRIBBLE. Has the gentleman from Illinois forgotten that we have a plucking board that will relieve the situation he speaks of?

Mr. MANN. No; the gentleman from Georgia is mistaken. The plucking board is in part able to relieve the situation when there is no so-called unusual hump. The personnel bill fixes the number who can be retired by the plucking board, but the number fixed in that bill was based on the number then in the service.

Mr. TRIBBLE. Yes.

Mr. MANN. Since that time we have increased the number of officers very greatly—by 10 years now of an extra cadet at Annapolis for each Representative and Senator. Of course, those are not all in the service yet, because those just going in have several years to serve. Now, when you add another 6 years of extra cadets you will have a great number of lower-grade officers in the Navy, and the man who enters, unless he happens to be of superior age or rank when he gets in, will not reach the age of a lieutenant commander during his service in the Navy; and lieutenant commanders or lieutenants of the senior grade——

Mr. TRIBBLE. I suggest that it will help some to pass this bill.

Mr. MANN. But the plucking board can only retire so many, and that will not relieve this situation. Nor is the gentleman from Georgia himself in favor of the plucking board.

Mr. TRIBBLE. No; the gentleman from Illinois and I want to abolish the plucking board, but we can not get that matter up before the committee.

Mr. PADGETT. All of these matters will come up for consideration later, at the proper time.

Mr. MANN. Why should they not all come up at the same time, because you admit that you are increasing the evil?

Mr. PADGETT. Oh, no.

Mr. MANN. You say, "We will correct it later." Why not correct it at the time you are increasing it?

Mr. PADGETT. I do not admit that the appointment of these midshipmen is an evil. It is a necessity, and a very urgent necessity, which should be met. This morning I received a letter from the Secretary, very urgently and insistently begging that this legislation be enacted at once for the good of the Navy, on account of the shortage——

Mr. MANN. The gentleman has done me the courtesy to show me the letter. I did him the courtesy a day or two ago to say that I would insist on a letter on the subject from the Secretary of the Navy. The gentleman has the letter, and I have seen it. I should like to have that letter read. Of course, I know the position of the Navy Department. They think they need the officers. Probably they do, but they think that when they get the additional officers the evil of the so-called hump will be so great that Congress will be forced to create a large number of additional positions of commander, captain, and rear admiral.

The letter is as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, June 27, 1913.

MY DEAR MR. PADGETT: The extension of the law allowing two midshipmen for each Senator, Representative, and Delegate in Congress, one for Porto Rico, and 20 in all at large, is a matter of so much importance to the Navy Department that I beg to present for your consideration some of the reasons for extending the law.

The foremost reason is that the Navy needs the officers, and will need, for some years to come, the output of officers from the Naval Academy that will ensue if the law is extended.

At the present time the bureau of this department charged with the assignment of officers to duty is much harassed to find officers for all the places when they are required and the efficiency of the Navy is impaired for lack of them.

At present 10 of the older battleships and 6 armored cruisers are in reserve or in ordinary; and in addition to these there are many smaller

vessels in reserve or out of commission for which officers would have to be provided in case of war; and on board the vessels that are in full commission, as well as on those in reserve and in ordinary, the shortage of officers is seriously felt.

With further reference to the present shortage of officers, the country has at Newport a well-equipped War College for the purpose of teaching officers the art of war, but so few officers are available to go there—so few can be spared from work which must be attended to—that the classes there number but 12 or 15 officers, when there should be many times that number.

The Naval Academy is well equipped to handle the number of midshipmen that the extended law would provide. Its present maximum capacity for the accommodation of midshipmen is 865 with comfort; with crowding, 945. It has for about 10 years been accommodating from 700 to 900 a year, and is well equipped for continuing to do so. Its efficiency would be impaired by dropping back to small numbers, and relatively it would be far from economical to do so. It is believed that if the law is not extended now, its urgency will be so recognized that it is sure to be extended in the near future, and should there be a break of two or three years during which the academy would have to adjust itself to small numbers, and then adjust itself to the increase, there would be loss of efficiency and confusion.

With larger numbers and the prospect of, perhaps, graduating annually a small surplus that would not be commissioned, the competitive feature of work at the academy would be reestablished, and it is believed with resultant good to the midshipmen and to the service.

It is understood that some objection is made to the bill extending the law, on the ground that graduating such large classes will ultimately cause a stagnation in promotion or a so-called "hump" that will seriously impair the efficiency of the personnel. This is true unless something is done toward the proper distribution of officers in the different grades, and it will, even as matters now stand, demand the attention of Congress. This question of distribution to avoid the hump, and of elimination for that and other purposes, will at a future date be brought to the attention of Congress.

Finally, I suggest the desirability of continuing this law now, the officers being needed, and the machinery for producing them all in operation to run on without change.

When the law no longer appears necessary, if ever, it can readily and definitely be changed, but to fail to extend it now, and then to have to do so in the face of the urgent demand that is sure to arise, would not only put the Navy further behind in getting the number of officers it urgently needs, but would appear to be poor policy from all points of view.

Sincerely, yours, JOSEPHUS DANIELS.

Mr. HOWARD. Mr. Speaker, before the letter is read, will the gentleman from Tennessee yield for a question that I should like to ask? Does the gentleman know how many vacancies now exist at the Naval Academy by virtue of the fact that the appointees of Congressmen and Senators have failed to stand the mental or physical examination? Their failure to stand the mental examination is because the curriculum imposed in these examinations is of such a character that the boys between 16 and 21 years of age simply can not stand it and ought not to be expected to stand it.

Mr. PADGETT. I do not know the exact number, but there are a considerable number who have failed from one cause or the other. There are a large number of young men who fail on physical defects, and some fail to pass the mental examination.

I will say that during the last year the character of the examination was ameliorated to some extent, and is not so severe as it has been.

Mr. HOWARD. Of my own observation I should like to suggest here that I do not believe there is a Member of this House or a Member of the Senate—I do not care who he is or where he came from or what his experience is—who could stand the examination that is required to-day at the Naval Academy; this statement is substantiated by the fact that out of over 700 candidates for admission only 219 were successful in the last examinations. As a matter of fact, I am informed that there are over a hundred vacancies, and the boys from the country districts can not stand this examination without going to the great expense of attending one of these coaching schools, which precludes the possibility of a poor ambitious boy serving his country in the Navy.

Mr. PADGETT. I think that the word that the gentleman has received is an overdrawn picture.

Mr. HARDY. Will the gentleman yield?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Texas?

Mr. PADGETT. I will.

Mr. HARDY. I am glad to call attention to this matter in this public way. It is a fact, as the gentleman from Georgia says, that we may pick out the brightest boys, boys from the colleges—not always from the country—and three out of five or more of them will fail in the mental examination, and about three out of four who do not fail mentally will probably fail physically. It does seem to me that this is wrong. I have two vacancies in my district now, after a number of failures. Some qualified mentally, but fell down on the physical examination, and some failed before they got to the physical. There is something the matter with these examinations. I do not believe that after getting the brightest boys we have they ought to fail in going through the examination successfully. It is almost impossible for a good healthy boy to get through the examination which they require, at least without a preliminary process of stuffing at some special establishment. I wish to put that much in the RECORD.

Mr. HOWARD. Mr. Speaker, I want to make myself clear about the character of these examinations. I was going on to speak about the country districts where so many of the boys come from. As a rule these boys have not had an opportunity to acquire the higher education. Their fathers, as a rule, are not able to send them to Annapolis preparatory schools and pay the men who are engaged in this business, making thousands of dollars in preparing young men for Annapolis. They charge exorbitant fees for that preparation.

Mr. MANN. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. MANN. Is it not a fact that it is almost impossible for a boy to pass an examination for either Annapolis or West Point unless he goes to one of these preparatory schools the head of which is friendly with the academy?

Mr. HOWARD. That is absolutely true, and I was coming to that in a minute.

Mr. CLARK of Florida. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. CLARK of Florida. I want to say that I have not got a single vacancy in my district, and have not had for some years, and if the gentleman from Georgia and the gentleman from Texas will get the law amended so as to permit it, I can get plenty of boys from the second congressional district in Florida to fill the vacancies.

Mr. HOWARD. I understand, Mr. Speaker, that the district represented by my good friend in Florida has many brilliant young men in it, and he reflects credit on that district as the Representative of these brilliant young men of his district, being a very brilliant Member of the House.

I am making an appeal for the country boy. I believe the best fighters that this country has had were not men with the best education in the past. There is too much red tape about this Naval Academy. It is created by Congress for the purpose of furnishing men efficient and able enough to do the duties upon a naval office. I say in this curriculum and these preparatory schools there is a good deal of chicanery, as my friend from Illinois suggests, and it is charged they have a great deal of influence with the academy authorities, and it ought to be done away with. If it was, you would not have any complaint about the graduating class at the Naval Academy being a mere handful of graduates.

Mr. BARTLETT. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. BARTLETT. The gentleman is speaking about political influence. That has all been done away with, because now we have a new political administration.

Mr. HOWARD. I understand that our Democratic Secretary has the political pets on the run; but if there is any department in the Government where there was more politics and swivel-chair admirals protected by politicians in high stations it was in the Navy Department of this Government, and every Member of this Congress knows it. [Applause.] I know men in the Navy that have gotten to be rear admirals who, instead of ever commanding a fleet, have never commanded a flat-bottom bateau. They would get seasick before they got 200 yards from shore. [Laughter.]

Mr. BARTLETT. I do not know anything about that; but if my friend will permit me, it is news to me that politics has any influence in the Navy. I have always understood and believed that in all administrations the contrary was true.

The SPEAKER. The Chair will remind gentlemen that the gentleman from Tennessee [Mr. PADGETT] has the floor.

Mr. HOWARD. I yielded to my colleague because he asked me to yield, and I was suggesting things to my good friend from Tennessee so that they may be corrected, and I wanted to call attention to them while this matter was under consideration.

Mr. PADGETT. Mr. Speaker, these suggestions will go into the RECORD and may be read by the administration. [Laughter.]

Mr. SELDOMRIDGE. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. SELDOMRIDGE. Mr. Speaker, there is one observation that I desire to make in connection with the discussion of this subject, which has been brought very close to me, having been in some way connected with the admission of a cadet to Annapolis very recently. That is this: I believe a serious injustice is done these young men in not providing that they shall take the physical examination before they take the mental examination. I know of a young man who came here to this city and who entered one of these schools to which allusion has been made. He did so at considerable expense. He was subjected to a great deal of hard mental work. Now, after months

of labor and attention, he finds that there is some slight physical defect which interferes with his admission to the academy. Had this defect been known prior to the expense incurred and the labor involved, it would have resulted to his advantage. I think that our committee in considering legislation in connection with this matter should take this question under consideration and try in some way to relieve these young men of this embarrassment—that after having taken the mental examination to discover the existence of some little physical infirmity which prevents their admission to the academy.

Mr. PADGETT. Mr. Speaker, that matter can be corrected by regulation and it does not need legislation. The department can remedy that by regulation.

Mr. PLATT. Mr. Speaker, I represent the district in New York in which West Point is situated. I want to say that we have so many applicants for West Point that we have to hold competitive examinations. I never knew any political influence to be used in getting a boy through the examinations for admission either to West Point or Annapolis. We hold competitive examinations for appointments to both Annapolis and West Point. I have so many applicants that I have decided to put into effect what are known as the Rhodes scholarship tests on my boys, so that their physical development, their courage, and character and manliness, as well as their mental attainments, will count toward the appointment. I am going to make the physical requirements count fully one-half. I think that is the real way to settle the thing where you can get enough applicants.

Mr. TRIBBLE. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. TRIBBLE. The entrance examinations at Annapolis and West Point are too hard and a great injustice to the boy of limited opportunities. Give him a chance. The chairman of the committee just stated he thought this matter could be rectified by the department and should be. I want to say to the gentlemen of this House that I think there should be legislation on the floor of this House, and if we do not correct this wrong here it never will be done.

Mr. MANN. That is correct.

Mr. TRIBBLE. This matter has been up before the Naval Committee, and I want to say to you here to-day that if you will read the hearings you will discover that I undertook to put some fire behind the department, and I charged in the Naval Committee that very few of the boys of my district could enter the Naval Academy or West Point without going to some school for special training, and that it was not fair to the country boys, who do not have the opportunity of special training, and poor boys, who are not able to attend training schools. I could not get the Naval Committee to take action, and I say that unless the Members of this House force the Naval Committee and the department to take action nothing will be done and it will go on year after year just as it does now.

Mr. QUIN. Mr. Speaker, I wish to corroborate some of the things that have been said. I have discovered that a young fellow has to be an Apollo in physical appearance and has to be almost a graduate of a State university before he can qualify under these examinations. I believe that this House owes it to the young manhood of this country to legislate here and not leave it to the Navy Department and the War Department to say what these qualifications shall be.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. MONDELL. Has the Naval Committee at any time investigated the character of the examinations for cadets?

Mr. PADGETT. Yes; we did a couple of years ago, and last year, as I stated a moment ago, the examinations were ameliorated to some extent and the requirements for admission were not so stringent; the requirements for the first year's study were not so severe.

Mr. TRIBBLE. Mr. Speaker, at this point I would like to make a statement, if the gentleman will yield. The chairman is honest in that statement, and he has made the statement before, but I wrote to the department and I asked them to send me the change in the examination showing that the regulation has been lowered, with the amelioration he claims has been made. The department wrote me not less than four months ago that no change had been made.

Mr. PADGETT. I only go upon the statement of the officers.

Mr. POU. If the examinations are so difficult, how does anybody ever get through? I have had a few men get through from my district, and I do not think the district has ever failed to have a representative there.

Mr. PADGETT. There are 150 to 160 or 175 graduated each year.

Mr. MONDELL. Will the gentleman yield to me for a moment to make a statement?

Mr. POU. Schley and Dewey got through and many others got through——

Mr. PADGETT. Yes; I yield to the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, I have been recommending candidates for admission to the Naval and Military Academies for a good many years, and I have taken great pains to inform myself regarding the efficiency of the men I have recommended, physically and mentally. In every case I have required a preliminary physical examination for all the boys I have recommended for a cadetship and their alternates. The difficulty is that the physical examination made by the local physician is not always efficient. That is the fault of the local physician rather than the system. Without further knowledge than I now have as to the character of the examination, although I know something about it, I could not take it myself, there never has been a time when I could have taken it, but that is nothing against the examination——

Mr. PADGETT. Could the gentleman take a civil-service examination?

Mr. MONDELL (continuing). Without further information as to the views of the examiners and those who pass on the examination I should not want to say that there was such a thing as favoritism, and yet it is exceedingly regrettable that a Member of Congress, whose only desire is to have good, honest, healthy, hardy, hustling young men enter into the military service—I say it is regrettable that a man who has a good deal of experience in the nomination of these men is in some instances inclined to believe that there is, at times at least, some sort of favoritism. If that is not true then it must be true that the examinations are too difficult, or if that be not true then the examinations are an indictment of the entire school system of the Republic.

Mr. HARDY. Will the gentleman allow me——

Mr. MONDELL. In just a moment.

Mr. HARDY. Just a suggestion along that particular line——

Mr. MONDELL. In just a moment; please let me finish this thought. I have nominated young men who have passed splendidly through high school, young men who have nearly completed university courses, who have not been able to pass the mental examination. It is hard for me to believe the high schools, the academies, and the universities of this country are not thorough, and yet quite recently boys I have nominated, who could pretty nearly qualify as university graduates, have had great difficulty in passing the mental examination, and there is an impression among the boys—I do not know whether it is well founded or not, but it gets abroad—that no matter what a man's qualifications may be he can not expect to pass the examination unless he has attended one of these schools. Now, I occasionally nominate a boy whose parents are not able to send him to one of these schools, and that boy feels that he is handicapped. He is generally informed by some one, I do not know how, that he is likely to fail. Such boys do not always fail, but my experience has been, and I say this with some hesitation, because I do not want to criticize without sufficient ground, that in the cases where they have not failed there may have been some other influence that was helpful to them. I have never thought that there was any political influence in the matter, but I have discovered that it seems to be, and I say "it seems to be," easier to get a boy through the examinations who has some military connection of some sort or other.

Mr. COX. Will the gentleman yield?

Mr. MONDELL. And I know it is easier, apparently, for a boy to pass these examinations if he has some pretty good social connections. Now, I may be mistaken about that——

Mr. PADGETT. Well, I rather think the gentleman is.

Mr. MONDELL (continuing). And I say what I have with some reservation, but views have been forced upon me through a considerable number of years of experience, and I have hoped——

Mr. PADGETT. May I interrupt the gentleman; will he bring his remarks to a close, as I can not yield further?

Mr. MONDELL. Just a moment, because I think this is rather important. I have hoped that the Naval Committee can find some way in which to so arrange for these examinations as to at least remove from the minds of the Members a suspicion that everything is not aboveboard and honest and on the square. I hope it is, and yet I have had some peculiar experiences with my nominees to West Point and Annapolis.

I will close with this further suggestion. My impression is, from a knowledge of the young men I have recommended and who have not passed, or who have had a difficult time to pass, that it must be that the examinations are unnecessarily severe,

so severe that for the ordinary boys from a country district who have had only a high-school education or education in a local academy, it is exceedingly difficult for them to get into the academies, and I agree with the gentlemen who have spoken that, in the main, and taken as a whole, it is the boys from the small towns and the country districts—perhaps I should not say they are the best, but who are certainly as good material as you can find in the Union. But conditions ought not to be such that there is any suspicion in the mind of a Member who wants to be fair that the average boy from the country district can not get into the academy. If that condition was remedied, we would not need new appointments. We would fill the academy with the provisions we now have.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] has the floor.

Mr. PADGETT. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has used 30 minutes.

Mr. PADGETT. Mr. Speaker, I yield two minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I simply want to add to the experiences that have been mentioned here. In 10 years I have never been able to have a boy pass an examination unless he went to the expense of coming to one of these preparatory schools, and the result has been that I have found it almost impossible to appoint any poor boy to one of these places, unless he could find some friend who would furnish the money to send him to such a school. I have a vacancy existing now, although I have just recently had four boys take the examination.

Mr. McCOY. Will the gentleman yield?

Mr. HUMPHREY of Washington. In just a moment.

At West Point, I have found it even worse. In practically 11 years I have been unable to have a boy graduated at West Point. All of them but one have failed on account of some physical defect found after they entered the academy. One of those boys had an examination, and they found he had trouble with his eyes. Dr. Wilmer and Dr. Green, of this city, among the highest experts in the United States, decided that the medical officers at West Point were wrong, and the Secretary of the Navy reinstated the boy. During the very next year the same physician found the same condition again and failed to notify either me or the boy in time, so that we could take an appeal to the Secretary, and he was dismissed from the academy because of that defect which the best oculists in this city said did not exist.

The SPEAKER. The time of the gentleman has expired.

Mr. SISSON. Will the gentleman from Tennessee [Mr. PADGETT] yield?

Mr. PADGETT. I will yield in a moment. I promised to recognize the gentleman from Ohio [Mr. WILLIS] next, after which I will yield to the gentleman from Mississippi.

The SPEAKER. How much time does the gentleman yield?

Mr. PADGETT. Two minutes.

The SPEAKER. The gentleman from Ohio [Mr. WILLIS] is recognized for two minutes.

Mr. WILLIS. Mr. Speaker, this discussion seems to have degenerated, if I may use the term, into a sort of scolding of the Navy Department. I want to add a word to what has been said here, but rather by way of contradiction, of the position that has been taken by some gentlemen. I think probably it is true that the Annapolis entrance examinations are somewhat too difficult and technical. I think that criticism is just. But I do not think it is a just and true criticism to suggest that in order for a young man to get into the Naval Academy at Annapolis it is necessary for him to enter some one of these preparatory schools, particularly the preparatory schools here in Washington.

Mr. MONDELL. Will the gentleman yield?

Mr. WILLIS. Yes; if I get more time.

Mr. MONDELL. How long has the gentleman been appointing or recommending appointments of this character?

Mr. WILLIS. I have not been appointing as long as the gentleman has; but the experience I have had, as far as it goes, is as interesting and valuable as the experience of my aged friend from Wyoming. What I was about to say was this: I have heard these suggestions, and if there is any suspicion in the minds of the boys from the country, it comes, I think, from such unfounded and vague criticisms as have been made here this morning. I have heard these objections that it is necessary for a boy to enter a preparatory school, and perhaps some special preparatory school that had some social influence.

I want to say, Mr. Speaker, that one of the boys that I named, a splendid young man, was so fortunately situated that he was able to enter one of these preparatory schools. He was a splendid boy, and he did good work in that school. He took the examination, and, to my great regret, failed; whereupon a country boy, that never was within 500 miles of any of these preparatory schools, but who depended entirely upon his own resources and made his own way through the public schools and meanwhile supported his old mother, took the examination, passed with high grade, and was admitted to the Naval Academy. While I regret that any of my appointees to Annapolis should have failed, I think that the examinations are conducted on the square. [Applause.]

Mr. PADGETT. Mr. Speaker, I yield three minutes to the gentleman from Mississippi [Mr. SISSON].

The SPEAKER. The gentleman from Mississippi [Mr. SISSON] is recognized for three minutes.

Mr. SISSON. Mr. Speaker, I simply want to add my experience, inasmuch as this is an experience meeting, to what has heretofore been said.

For a time I thought that perhaps this failing to pass was restricted to my district, and I felt humiliated at my experience; but I happened to be present at a dinner down here with the present Speaker of the House, who had gotten up some statistics, and it was marvelous to learn from him that over 600 young men had failed at the two institutions during that current year.

Now, that was a terrible indictment of the schools of this country, so much so that I have always written within the last few years to every boy who wanted to get into the Naval or Military Academy advising him first to get a reputable physician to examine him physically and secure a certificate as to his physical condition. I then write to them and send a list of the questions they have to answer.

Not long ago I appointed a boy from the junior class of the university of my State, a boy of splendid standing, and he failed. Altogether I have appointed about 15 or 16 men, and I believe of those only about 2 have gotten in.

Now, either the public schools or the training schools of this country are in a deplorable condition, or it is intentionally made necessary for a boy to go to these schools at Annapolis and undergo a cramming process that does not do him any good. Those training schools advertise throughout the country that a large percentage of all the boys who go there and spend three months in cramming get through. Now, either these institutions that send out the advertisements are not telling the truth about it, or else those three or four months of cramming enable them to pull through.

But I do not believe that they do a boy a great deal of good. One thing we must do: Either we must lower the standard of examination, or we must prepare a training school at Government expense, so that a Congressman may have one or two boys who may go through a regular course, say, of 10 months at Government expense, so that he may stand the examinations. It is an outrage to have a boy travel a thousand miles at his own expense and, after he has passed his mental examination, to be turned down on some technical physical trouble.

A boy who was very ill able to afford it was talking to me only a few moments ago out at the main door there, who, after spending months at a training school, was subjected to a physical examination and then was found to have some albumen in his urine, and now they tell him he has to go home. I want to have the young man properly examined, to ascertain if he has a serious defect. Something will have to be done or the boys throughout the country, as they are doing in my district, will refuse to come here and take the examinations and be penalized by being turned down. [Applause.]

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS].

The SPEAKER. The gentleman from Virginia [Mr. SAUNDERS] is recognized for five minutes.

Mr. SAUNDERS. Mr. Speaker, I have very *little patience* with the propaganda that is being carried on in some quarters for a greater Navy and a bigger Army, but I believe that West Point, and the Naval Academy have been unjustly assailed in the present debate. The statements that have been made ought not to be allowed to go unchallenged. For the time being I find myself in the rôle of a spokesman for these institutions. For one I can not assent to the statement that a country boy can not secure admission to these schools on his merits, or that he is the subject of any sort of unjust, or unfair discrimination. If we Members of Congress who possess the power of appointment, choose to appoint boys who, by reason of deficient mentality, or insufficient training, are unable to pass the entrance examinations, then the fault is with us, and the boys selected, not with the institutions. No young man who is adequately equipped, or who, in order to equip himself is willing and able to do the necessary preliminary work, in some sufficient school,

whether of the special-course type, or otherwise, will find it difficult to pass the entrance examination, either at the Military, or the Naval Academy.

The suggestion that any sort of special influence social, or political is required in order to secure admission to one of these institutions is in my judgment absolutely without foundation, or justification. I have been appointing boys to both of these institutions for a number of years. These appointments have been made under Republican administrations, but this fact has not militated against my appointees. These young men have not enjoyed, and therefore have been unable to exert a particle of influence in any quarter. But this again has not been to their prejudice. They have been appointed on their merits, and on those merits, sometimes with, and sometimes without, a special course, they have been able to enter these schools. Personally I think very highly of these preparatory courses, and always advise my appointees to take some one of them, if he is financially able to do so. Now what has been true with respect to my district, I believe has been, and is now true with respect to every other district in the United States.

As to the examinations themselves, it may be admitted that they are difficult. I have looked over some of the old papers which are sent out as typical of the examinations next to be given, and I fully agree that it is no holiday task to pass one of them. But I extend no sympathy to any of my appointees who complain of their difficulty, and would have them made easier. In substance I say to him, "If you can not pass an examination of that character, and are not willing to make the necessary effort to equip yourself to do so, then stand aside and I will appoint some other candidate who is prepared to make the necessary effort." So far I have been able to find boys in my district, country, or otherwise who have been able to enter these institutions, and pass the entrance examinations with credit to themselves.

What of the fact that these examinations are difficult? There is not one of us in this body who could to-day pass the examinations that he stood when he made his collegiate or professional degree. I have looked over some of the recent examinations for graduation in the department of law at the University of Virginia, and realized that if put to the present test on any one of them I would make anything but a creditable showing.

Honestly I do not believe that I could make 25 per cent to-day on the examination on which I was required to make 83 per cent in order to take my degree in law. Yet shall I undertake to say to the young men who go to the University of Virginia that the standard should be lowered in order that they might the more readily take their degrees? On the contrary I glory in the fact that the standards of all of our institutions have been advanced. To the ambitious young men of my district, rural and urban, I say in the most emphatic terms: "Prepare yourselves to reach up to that standard. Do not ask that the standard shall be lowered for your benefit."

One timely contribution however has been made to-day in the progress of this debate, and that is that the physical examination of the appointee should precede the mental. It is unreasonable, that after a boy has successfully passed his mental examination, he should be rejected for some physical defect of a trifling character. But this is a difficulty that can be easily overcome by changing the order of the examinations.

Mr. HARDY. Will the gentleman yield for just one question?

Mr. SAUNDERS. Yes.

Mr. HARDY. Suppose I ask the principal of a high school of 400 or 500 members to recommend to me the brightest young man he can, and that young man goes up and fails?

Mr. SAUNDERS. That proves one of two things; either that that boy did not prepare himself as he ought to have done, or that the standard of that high school was not what it ought to be. In one case I went to the western end of my district, where the schools were not very good, and selected a young man from a high school, possibly not so large as the one referred to by my friend from Texas. Without taking a special preparatory course, he passed the examination for Annapolis, and I believe graduates this year.

Mr. HARDY. Then I went to the head of the college and asked him to give me the brightest one there, and he took the examination and failed?

Mr. SAUNDERS. Raise the standard generally in your district, or else raise the standard of instruction in the schools referred to. [Laughter.] If you have no high school or college that can prepare young men for West Point, or Annapolis, send your young men to our Virginia institutions, and we will so equip them that these entrance examinations will not be lions in their path. [Laughter and applause.]

Mr. HARDY. Does the gentleman really and honestly believe that out of 400 students in a high school the brightest ones ought not to pass a preliminary examination for West Point or Annapolis?

Mr. SAUNDERS. If the gentleman states that the young men in his district can not pass these examinations while those in my district do pass them, does he mean to suggest that there is some unfairness, or discrimination in the conduct of the examinations?

Mr. HARDY. I do not suggest that.

Mr. SAUNDERS. What does the gentleman's proposition mean, unless it carries with it the intimation that equal chances are not afforded to the young men seeking to enter Annapolis, or West Point? Does the gentleman mean to suggest that there is anything unfair, unequal, or unjust in connection with these entrance examinations?

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. SAUNDERS. Will the gentleman from Tennessee give me a few minutes more?

Mr. PADGETT. I have not enough time to go around.

Mr. HARDY. I should like a little time.

Mr. MANN. I will yield to both gentlemen.

Mr. SAUNDERS. I am not in favor of enlarging the Military or Naval Establishments of this Government. I have very little sympathy with the propaganda that is so diligently conducted in certain quarters for a mighty Navy, and an imposing Army, but I believe that both West Point and Annapolis are conducted on a high plane, and I repel the suggestion that there is any sort of sinister, or unfair influence at work by which one young man passes, and another fails. I have appointed country boys without any sort of influence, to both institutions. With no elaborate preparation, and sometimes with no special course at all they have made good. If boys have failed, and many have failed, I believe that the fault is rather with the boys themselves, than with the examinations, or the ratings of those who mark the papers.

The SPEAKER. The time of the gentleman from Virginia has again expired.

Mr. PADGETT. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Speaker, I am somewhat on both sides of this question. I believe I am the only man in the second district of Missouri who could not force himself through either one of these schools, naval or military. I believe the examinations are unduly severe. The preliminary examination, intended simply to admit a man to the school where he is supposed to be subsequently educated, seems to me severe enough to fit one for a professorship at Princeton or qualify him intellectually to discharge the duties of President of the United States. There is no sense in the severity of the examination now required, in my judgment, and I am not pleading for the boys in my district, either.

I have served here 14 years and have never missed an opportunity to nominate a young man whenever I had the privilege to do so. I have had only two failures, as I remember, one for failure to pass the mental examination, the other for a physical defect. The first boy I sent to West Point had never been in sight of an academy or high school in his life. The most of the time he attended school in a country district, and a part of the time at the village school. He went to West Point without attending any preparatory school, took the examination there, was admitted, stood every quarterly and annual examination, graduated with high honors, and since then has been teaching languages in the Military Academy. So far as my district is concerned I have had no trouble along these lines.

But I do feel and believe, and every man here must feel, that the test they put the boys through is too severe. I think there is merit, or, at least, that there may be merit, in the contention made here to-day that favoritism has been shown in the admission or rejection of candidates to these schools.

I had occasion at one time to investigate the matter, and I reached the conclusion—possibly a wrong one—that the sons of officers of the Navy and officers of the Army fared better than the boys who followed the plow. That is an outrage, if true. I do not say that it is true, but there are some grounds for suspicion that it is. Every boy should be treated alike. Make the examination such that any boy of good ability—natural ability, intellectual ability, good physical ability—can pass it; treat all alike and there ought not to be any complaint.

I believe with the gentleman from Georgia that the place to correct this injustice and wrong is here and not in the department up on the Avenue. I believe that this Congress ought to require that the standard of examinations or tests shall be lowered and that it be done at once. The severity of examination ought not to be longer continued.

Mr. MILLER. Will the gentleman yield?

Mr. RUCKER. Certainly.

Mr. MILLER. I understood the gentleman to say that the examinations for admission to these schools should be lowered?

Mr. RUCKER. I do.

Mr. MILLER. May I inquire if the gentleman means that the subjects are of too technical a nature, or the character of the questions on the subjects are too detailed and technical?

Mr. RUCKER. Now, the gentleman does not want to embarrass me, but I want to tell him, for it is no embarrassment, that I can not answer him. I do not know; all I know is that the examinations are too severe. I have had no opportunity to study these matters closely, and perhaps would not be able to answer him if I had. I have no doubt the service would not suffer, nor the high character of these schools be lowered, if the examinations for admission were made more reasonable.

Mr. MILLER. I know something about it, and the subjects are almost rudimentary, extremely elementary. There is not a subject for examination either at West Point or Annapolis that has not been studied by any boy in a grammar school in a grammar grade in the United States.

Mr. RUCKER. Mr. Speaker, I do not know, but I think the answer to all the gentleman contends for is that too many boys who are well educated and qualified fail. That is an answer to it all.

Mr. HARDY. Mr. Speaker, will the gentleman yield me two minutes?

Mr. PADGETT. Mr. Speaker, I yield two minutes to the gentleman from Texas.

Mr. HARDY. Mr. Speaker, I want to say in reply to the *gentleman* from Virginia [Mr. SAUNDERS], for whom I have the highest regard, and who is nothing if not intense in all his convictions, that I know he really did not mean what he said when he spoke of the educational institutions of Virginia being competent to equip people, while those of Texas might not be, and further I want to say that I have not charged that any political influence, and I do not charge that any political influence, affects these matters; but the gentleman seems to have given an illustration of influence affecting results. He said he was on the two visiting committees that visit these institutions, and that his boys get through. [Laughter.] I do not know—I am not charging anything.

Mr. SAUNDERS. Does the gentleman say that I said I am on the two visiting committees?

Mr. HARDY. Did not the gentleman make that statement?

Mr. SAUNDERS. I said that I would be loath to be put in the position of defending these two institutions, so strong am I in my antimilitary convictions.

Mr. HARDY. I thought the gentleman said that he was on the two visiting committees?

Mr. SAUNDERS. No. I am not within a thousand miles of being on either. I have no sort of association with these institutions in any way, but I just sent a country boy from a country high school, and he got through.

Mr. HARDY. What did the gentleman say about the visiting committees?

Mr. SAUNDERS. Nothing.

Mr. HARDY. Then I take back all I said about that and regret I said it.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. HARDY. Certainly.

Mr. MANN. I understood the remarks of the gentleman from Virginia to indicate, in respect to the gentleman from Texas, that in Texas they send their brightest men to Congress, while in Virginia they send their brightest men to Annapolis. [Laughter.]

Mr. HARDY. I misunderstood the gentleman from Virginia. In one respect, perhaps, the gentleman from Illinois misunderstood him also. I have not charged any improper influence, but I do say that when the Agricultural and Mechanical College is requested to pick out a bright young man and does so, and he can not pass an examination to admit him to Annapolis, and when the superintendent of my city high school has the same request and his selection can not pass it—can not even show qualifications to entitle him to enter upon a four-year course—it seems to me something is out of joint. I have now two vacancies, and have tried time and again to fill them. Some of my appointees have gone through mentally and failed physically, one, I think, because he hurt his eyes while studying hard to stuff for the mental examination. Somehow, somewhere, there is a difficulty that ought not to exist in filling these places. I do not believe that the standards of mental or physical qualities at the Naval Academy and the West Point Academy show in after life that the boys who do get there are so far superior when they have gotten in there to the young men who graduate from our universities and high schools.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. GARRETT of Texas. Mr. Speaker, will the gentleman yield?

Mr. HARDY. If I have time, I will be very glad to yield to the gentleman.

Mr. GARRETT of Texas. Mr. Speaker, I just wanted to remind my colleague from Texas in reply to the gentleman from Virginia as to the standing of the Agricultural and Mechanical College of Texas, that I have just this morning received a letter from a young man in Texas who graduated on the 25th day of June from the Virginia Military College, advising me that he could not take the examination for West Point, and had been so advised by that institution, without making special preparation.

Mr. PADGETT. Mr. Speaker, how much time have I remaining?

The SPEAKER. Five minutes.

Mr. PADGETT. I yield two minutes to the gentleman from Illinois [Mr. FOWLER].

Mr FOWLER. Mr. Speaker, it has been intimated on the floor in this discussion that candidates for the Naval Academy, at Annapolis, must take a military training in some school here in Washington or at Annapolis or somewhere else before they can pass the examination. Now, if this is true, Mr. Speaker, it ought to be made known. I have the highest regard for the Army and the Navy, and I shall always be found on the side fighting for efficiency in those great defending powers of the honor of this Nation. I named a boy some time ago for the Naval Academy, at Annapolis. He went in training in one of the normal schools in Illinois for one year. He went into the examination and he failed. I saw one of the questions that was supposed to have been put to him in this examination. It was a problem in mathematics. I submitted that problem to a mathematician in the district, who was never known to fail in the solution of any mathematical problem; he solved the problem, but he is dead now. [Laughter and applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker——

Mr. PADGETT. Mr. Speaker——

Mr MANN. Mr. Speaker, am I recognized?

The SPEAKER. The gentleman from Tennessee has three minutes remaining.

Mr. PADGETT. Mr. Speaker, I move the previous question upon the passage of the bill.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. The House having agreed by unanimous consent to consider this bill in the House as in Committee of the Whole House on the state of the Union, is it in order to move the previous question before the bill has been read for amendment?

Mr. PADGETT. The bill was read.

Mr. MANN. The bill was not read.

Mr. PADGETT. The bill was read and then debate followed.

Mr. MANN. No; the gentleman is mistaken.

The SPEAKER. The bill was not read for amendment, it was read in the usual course of procedure.

Mr. MANN. If it is in order, and the gentleman moves the previous question without giving anybody an opportunity on this side to be heard, I shall make a point of no quorum.

Mr. PADGETT. I have yielded to a number of gentlemen over there.

Mr. MANN. The gentleman has yielded to a number——

Mr. PADGETT. I will reserve my three minutes and yield to the gentleman so that there may be discussion.

Mr. MANN. Mr. Speaker——

Mr. AUSTIN. Mr. Speaker, I want to be heard on this proposition.

Mr. MANN. Mr. Speaker, if there was such an emergency that this bill had to pass in a few minutes, I would not desire to take any time, but it is one of the few occasions when there is an opportunity to consider this matter, and the House has the time. No objection was made to bringing up the bill before the House, although it was brought up by unanimous consent, and a number of gentlemen desire to be heard. The House has no other important business. Mr. Speaker, I have been appointing cadets to Annapolis and West Point for more than 16 years, and 10 or 12 years ago—or maybe longer—I determined that I would appoint no one who was not prepared to say that he would come to a preparatory school in Washington or close to one of the academies. On a few occasions I have waived that requirement. My recollection is that no one of my appointees has ever been admitted unless he went to one of the preparatory schools. Now, I do not know that it is any fault of the academy authorities or those who make the examinations.

Mr. PADGETT. Will the gentleman permit me to interrupt him for just a moment?

Mr. MANN. Just in a second. In my judgment, the fault is rather with the legislation which contemplates that the boy at the age of 20 or 21 may be as learned as the man is who is admitted to the practice of medicine or law after taking a high-school course, a college course, and then a special college course in his profession. Now I yield to the gentleman.

Mr. PADGETT. I just want to state for the benefit of the gentleman and in justice to both the administration at the academy and also here that they have all along opposed the sending of these boys to the preparatory schools and have been inimicable to the preparatory schools, and have insisted that the boys should have their own training in the home schools.

Mr. MANN. Very well. With my experience, I shall still continue to advise any appointees whom I may select to come to one of the preparatory schools if he intends to get through the examinations.

Now, what is the situation, Mr. Speaker? A boy who wants to become a lawyer or doctor, goes through the grammar school, he goes through the high school, and he goes for four years to the university, and then goes to the law school or medical school for two, three, or four years more, and then if he gets admitted to the practice of his profession it is at the age, probably, of 25 or 26, and he in his work will not have been required to know as much as the boy who comes out of Annapolis is supposed to know when he graduates at the age of 21 or 22.

Mr. ADAMSON. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. ADAMSON. Do you not think in these examinations that the strength and capacity of that boy's mind to learn is more important than the number of things he has already learned?

Mr. MANN. I think it is important that the boy who goes to Annapolis or West Point should have the highest physical standard and be of the select mentally. I do not criticize the careful examination which is made. But the boy who goes into Annapolis may be appointed, I believe, at 16—it used to be about 15—for four years, where it used to be six years. When he comes out, he must have a complete college education, which one would ordinarily get at a college. He must understand the languages; he must be completely informed in mathematics. In addition, he must understand gunnery, he must understand navigation, and he must understand international law, so that he is better prepared on the subject than most Members of Congress would be. The boy who comes out of Annapolis is supposed to know more than any other graduated boy on the face of the universe, and he is too young for it. There ought to be a longer college training for these boys who go into Annapolis. It is not sense to suppose that you can take a boy 16 years of age and give him an ordinary college education, and in addition to that train him in the specialties which he is required to be trained in, and bring him out at the age of 21 knowing more than the man who is admitted to the bar can know after his seven years of college work or the man admitted to the practice of medicine can know after his seven or eight years of college work. We require too much. That has been one fault with the Navy. The Navy at present has too many men in it with superficial knowledge; too few with complete knowledge of some one subject. Not only the boy who comes out of Annapolis is supposed to know all these things, but he is supposed to know something about engineering, seamanship, and navigation.

Before the personnel bill, we used to train them as engineers and as line officers. Now the man who goes into the Navy as an officer is supposed, theoretically, to be able to run the 500 engines that are on board one of the big battleships, electric and steam, and then to step up above and navigate the ship and give the commands in reference to gunnery exercise, and in reference to all the work. No human being can acquire accurate knowledge of all of these things. He may acquire superficial knowledge. That is what we are doing at Annapolis now. We ought to start these boys in at the age of 16 or thereabouts at Annapolis and give them seven or eight years of college training, the first years of it devoted to the ordinary college work and the last years devoted to the specialty subjects directly dealing with the Navy.

I have no desire or disposition to criticize the Navy in regard to it. I think they are doing the best they can with the legislation which we provide for them.

Mr. PLATT. Will the gentleman yield?

The SPEAKER. Will the gentleman yield to the gentleman from New York [Mr. PLATT]?

Mr. MANN. I yield three minutes to the gentleman.

The SPEAKER. The gentleman from New York [Mr. PLATT] is recognized for three minutes.

Mr. PLATT. Mr. Speaker, I would like to ask the Members of this House who have had boys fail in entrance examinations at West Point and Annapolis, if they know the kind of questions the boys failed on? I conducted, as chairman of a committee, for Hon. Samuel McMillan, when he was in Congress, a competitive examination, and I have gone over many West Point entrance-examination questions and know what they are and what the Annapolis questions are, and my experience has shown me that the boys fail on grammar-school questions rather than on high-school questions. They fail on things that they have studied years before and have forgotten, and that is the reason why they come to these naval and military preparatory or fitting schools in Washington, because those fitting schools know what line of questions are asked, and they take up those things for review which the boys had formerly studied and which they have often forgotten when they go there for their entrance examinations. The boys usually fail on geography and on English grammar and a lot of the subjects which, if they had been learned thoroughly in their grammar-school work, would have enabled them to pass successfully.

Several gentlemen have said that country boys have passed the Annapolis examination at higher ratings than city boys or boys who have had the training in the fitting schools in Washington. That has been my experience, too. The boys who have been thorough in their grammar-school work will pass those examinations, as a rule.

I think there should be a careful physical examination given to every boy before he goes to take entrance examinations for West Point or Annapolis, and that is the reason why I am going to try the Rhodes scholarship plan in making recommendations of boys for appointment as cadets.

Mr. YOUNG of North Dakota. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. PLATT. With pleasure.

Mr. YOUNG of North Dakota. In the gentleman's remarks early this afternoon he referred to the Rhodes scholarship competitive examinations for entrance to Oxford University, England. Can he give us a statement of the relative credits in the examinations for those scholarships for physical, moral, and mental attainments?

Mr. PLATT. I can give those credits about as Cecil Rhodes puts them down in his will: Mental examination, 33 per cent, and 33 per cent for manliness and qualities of that sort, and 33 per cent for athletics.

Now, in working out the Rhodes scholarships they have found it difficult to make those things come out in that way. I expect in my examinations to count mental attainments at about 50 per cent, and then to pick out the boys for their athletic standing, manly qualities, and general physical development, and I think for those points 50 per cent should be allowed. I want the boys to pass the mental examination, in the first place, but I would not necessarily select the highest in mental examination if boys obtaining a lower percentage possessed other compensating qualifications. In my district, where I have from 10 to 12 applicants for the Academy at West Point and the Academy at Annapolis, I feel practically certain this plan will work out better than anything else, and I have the indorsement of the Secretary of War. I believe that is the kind of examination that the Military Academy at West Point and the Naval Academy at Annapolis ought to adopt, so that they could pick the boys on the basis of physical development as well as mental development. [Applause.]

Mr. MANN. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. RUPLEY].

The SPEAKER. The gentleman from Pennsylvania [Mr. RUPLEY] is recognized for three minutes.

Mr. RUPLEY. Mr. Speaker, I had assigned to me as Congressman at Large from Pennsylvania the appointment of one cadet to the West Point Military Academy and two midshipmen to the Annapolis Naval Academy. In order to discharge the trust reposed in me in my representative position, and having equally in mind the value of the opportunity to be offered to young men of sufficient qualifications, I held a State-wide competitive examination for admission to both of those institutions. An advertisement of the appointments assigned to me as Congressman at Large from Pennsylvania was inserted in the newspapers throughout the State, and rules following the form prescribed by the institutions were adopted by me. The examiners were appointed from among men eminent in school work, and from a certified list of numbers prepared by the examiners, they not possessing the names of the applicants, I selected from those boys passing with the highest marks one

principal and two alternates for the West Point cadetship and two principals and six alternates for the appointments of two midshipmen at Annapolis.

All the principals and all the alternates passed the mental examination for admission to the Military and Naval Academies. One principal failed in the physical examination for admission to West Point. Only one of the appointees had attended a preparatory school for Annapolis. All the other boys were products of the common-school system of Pennsylvania.

Now, I want to say to my colleagues that, in my judgment, the physical examination should precede the mental examination in some orderly way, so that young men should not be subjected to the mental examination who can not pass the physical examination. I believe it is a hardship upon the young men whom we select to undergo first a mental examination, followed by a physical examination, and after qualifying mentally, to fail to qualify physically. [Applause.]

Mr. MANN. Mr. Speaker, I yield three minutes to the gentleman from West Virginia [Mr. Moss].

The SPEAKER. The gentleman from West Virginia [Mr. Moss] is recognized for three minutes.

Mr. MOSS of West Virginia. Mr. Speaker, it seems to me that the first question to consider is, What kind of men are desired for the Navy of the United States?

My idea is that they should be men sound physically, mentally, morally; that it is not necessary that they be bookworms or intellectual freaks. My experience along the line of nominating candidates for Annapolis has been very limited but very full. I left at my office this morning two young men who had just finished their examination, one of those young men having been appointed by the Congressman at Large and the other young man by myself. The young man appointed by myself was first turned down on his mental examination, although he stood near the head of a class of 50 in the high school. I asked that he be given a chance to be reexamined and he was reexamined, and he passed that mental examination. Then he was examined physically and was turned down because he had something which was called muttering of the heart, whatever that is. I do not know whether the muttering of the heart was caused by a natural feeling of indignation or whether it was a real trouble, and I am not reflecting upon the medical officers when I say that I do not believe a young man who was examined by his family physician and certified to be in first-class condition was an unfit man for the Navy.

Mr. Speaker, those two young men went back home this morning disappointed and almost broken-hearted. They had spent months in trying to get into the Naval Academy. They come from the very best families of West Virginia, yet they must go back home humiliated, disgraced by the fact that they were not able to get into the Naval Academy of their country.

Mr. Speaker, there may not be anything wrong, but there is a well-grounded opinion among the people that a young man of sound mind and body, unless he comes here to Washington and goes to these preparatory schools at great expense, can not get into our Naval Academy. There is that feeling, and whether it be justified or not I submit to my colleagues that it is a matter that at least should call for investigation. The evidence offered here this morning shows that there are numerous cases where boys who have stood high in their schools and colleges, splendid, robust young men, have been unable to enter our naval school.

Mr. MANN. I yield five minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. Mr. Speaker, this seems to have developed into a symposium of personal experience. I have nothing in that line to relate, because my experience is like the annals of the poor, short, but pleasant.

I do think, however, Mr. Speaker, that there are some principles that may well be considered even in a situation where we are giving our personal experiences. I was very much interested in listening to the remarks of the gentleman from Illinois [Mr. MANN], wherein he expressed the opinion that the great difficulty with the instruction at Annapolis is that the course attempts too wide a variety of subjects, resulting in only a smattering of information, incomplete, and lacking in thoroughness. I desire to direct the attention of the House, if I can, to that same criticism as applied to the instruction given in the city schools of the United States upon those subjects upon which the boys are examined for admission to Annapolis and to West Point.

The membership of this House can bring forth illustrations without number of how boys from country crossroads who have studied their American history, their algebra, their arithmetic, their orthography, and their geography, the fundamental, common branches, and have taken these entrance examinations, passing way above boys from the cities and academies and high schools. The trouble, to my mind, is not that the examinations are on too high a grade of subjects, but that the average boy who presents himself for examination has not been thoroughly grounded in those fundamental subjects upon which he has to be examined. The one criticism that the educational forces of the land to-day are recognizing as just toward the system of American public instruction is that we are teaching everything on God's green earth except to teach the boy to think and to develop the mental fiber of his brain strong and true. We lack and lose in mental power in proportion as we spread our mental activities superficially over a wide range of subjects; and the principal criticism that educators are making upon the system of public instruction in the United States is that school curricula cover too many subjects and is that instruction should be intensified rather than extensified, as we have been doing for a quarter of a century. Get back to a thorough study of the fundamentals that go to make up the equipment of the boy who is ready to take up his college course. The high-school graduate has not studied for several years most of the branches in which he is examined for admission to the academies. He probably never studied them so as to become really proficient in them. Therefore special preparation in them is essential before undertaking one of these examinations. Admission to our colleges and universities is generally upon diplomas from an accredited school or upon the possession by the applicant of a certificate showing that at the time he completed a subject he was proficient therein. These certificates may be one, two, or even four years old. Admission to West Point or Annapolis depends upon the proficiency of the applicant on the day he presents himself.

I observed, as I made the interrogation of the gentleman from Missouri a short time ago, that in the examinations at Annapolis and West Point only the fundamental subjects are examined upon, and I think I am right. There was a howl of protest went up from behind me when I said that the average boy of the grammar school had studied all the subjects. I do not take that back. I do not mean to say that he has covered with sufficient thoroughness those subjects, but he has studied them, with the possible exception that in some places the subjects of algebra and geometry are not reached till the first year in the high school. If the boys who present themselves for examination would turn back their efforts and study at home, by themselves if need be, the fundamentals, they would have no difficulty in passing the examination. [Applause.]

I very much regretted to hear the distinguished gentleman from Illinois cast such a reflection upon the high school of his district, the famous high school at Hyde Park, which we of the West have been taught to look up to as the acme of excellence. I believe the boys of that high school——

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. MANN. I yield to the gentleman two minutes more.

Mr. MILLER. I believe the pupils of that high school are probably securing excellent instruction, but they are not being instructed in these elementary subjects upon which they are subsequently to be examined.

So, Mr. Speaker, if I may indulge in this one general observation, it would be that we should not for one moment seek to lower either the standard of scholarship in, or required for admission to, Annapolis and West Point. [Applause.] The general tendency of the times throughout the land is to increase the rigidity of requirements for admission to colleges and universities. This has been made possible by the general improvement in the instruction in the elementary schools of the land. It is therefore in keeping with the general movement that the requirements of these two schools have been made perhaps a little more rigid in recent years. Do not pull West Point and Annapolis down to the level of poor instruction in the common schools anywhere in America; lift the character of the common-school work up to the standards of these schools. The Naval and Military Academies are called upon to perform a service to our Government and our people more particular and in some respects more important than the service demanded of our colleges and universities. They have reached a world-famed point of efficiency. Keep them there. I have never yet seen a boy who was intellectually incompetent go into a special preparatory school, such as we have heard spoken of, and get into the academy by passing an examination afterwards. I never saw a boy who was properly grounded in the fundamentals such as I have mentioned, either in his home school or by private study at his own fireside, where Abraham Lincoln educated himself, who failed to pass an examination when he did present himself. [Applause.]

In conclusion I desire to protest against the suggestion that favoritism is practiced at either school. If there is a place

in our land where a boy stands on his own merits, both in his preliminary examination for entrance and in his subsequent work, it is at West Point or Annapolis. These are our schools of honor, and honor of a nation or an individual was never placed in safer hands than in the authorities of these two schools.

Mr. HOWARD. Mr. Speaker, I just want to add a few words to what I have already said, and by way of parenthesis I want to congratulate the gentleman from Virginia [Mr. SAUNDERS] upon the high standard of mentality possessed by the young men in his district. But here is some evidence that you can not refute about these examinations. I am not talking about any particular district in the State of Virginia or in the State of Georgia or any other State or district. But out of this year's class 500 young men failed at the Naval Academy who stood this examination. Now these are the facts and that is the record. There is something wrong somewhere. I have maintained that the public-school system of this country as administered in most States of the Union is an absolute farce, because the school term is too short to thoroughly instruct our children in anything, and the pay of teachers is so meager that those who are well equipped for teaching, and do teach, make a financial sacrifice every day they remain in the schoolroom.

The object of my asking the question of the gentleman from Tennessee, the distinguished chairman of the committee, was to impress upon this House that when these young men who are able from a financial standpoint to put up the money to go to these preparatory schools they were able to get into the Naval Academy and pass the mental examination. Now I want to ask the gentleman from Virginia [Mr. SAUNDERS] this question. I see he is not on the floor, but I venture the assertion that 9 out of 10 of the young men he has appointed since he has been a Member of this House have gone to one of these preparatory schools before they entered Annapolis.

Some of my colleagues attempted to construe what I said into a reflection on the country boy. I have cast no such reflection on these boys. On the other hand, it was a plea for these boys who have poor fathers, who are ambitious, who want to enter the service of their country that the curriculum be not put up in the sky where they can never hope to reach it; that they shall be treated as well as those who have the money to put up to go to the preparatory schools.

Some of the questions are absolutely ridiculous. A score of college professors from Princeton or Yale or any of the great colleges in this country could not pass the examination that is required at Annapolis. I do not know anything about West Point. I have devoted some study to the Navy, because of the fact that there, I thought, the greatest injustices were being done. A good suggestion was made by the gentleman from Colorado [Mr. SELDOMRIDGE]. Let me give you a practical illustration of how things are done at Annapolis: A splendid young gentleman from my district, the city of Atlanta, went there. His father, a man in ordinary circumstances, expended about $500 or $600 upon the young man. At the suggestion of friends he sent him to one of these training schools at Annapolis, preparatory to standing the examinations. He stood the mental examination. He got into the academy, and spent his first year laboriously pursuing his studies. Just the other day he came through this town, broken in spirit, humiliated, almost in tears, because of the fact that his father had expended this large sum of money uselessly upon him, and that after he had devoted a year and a half of the best days of his life, fired with the ambition that some day he could serve his country in the Navy of the United States, it was found necessary that he should leave the academy. They put some worsteds in a box and told him to match them, and found out, a year and six months after he had been laboring there, that he was color blind. Why, in the name of common sense, do not these people over there exercise some judgment and everyday sense in the administration of their affairs? Why not examine for such serious defects immediately upon the nomination of the principal by the Senator or Congressman?

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. HOWARD. Mr. Speaker, I would like to have two minutes more, if it is not imposing upon the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I yield two minutes more, regardless of whether it is imposing upon me or not. The gentleman never imposes upon anyone.

Mr. HOWARD. Mr. Speaker, that is one case. In justice to these young boys, this physical examination should be held before they are required to stand the mental examination. The gentleman from West Virginia [Mr. Moss] mentioned awhile ago two young men going through here who had been turned down mentally—two splendid specimens of stalwart young Americans.

Those things are happening all of the time, and, as the gentleman from Illinois [Mr. MANN] says, why do not these people in authority use some common sense? I would rather have one young man standing on the bridge in a naval engagement with good, hard, sound horse sense than all of the principles of trigonometry, geometry, and everything else crammed into his head. Take that great cavalry leader of the Confederacy, Gen. Forrest. He could not write his name. It is said he spelled coffee, "k-a-u-g-h-y."

The SPEAKER. The time of the gentleman has again expired.

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOWARD. Under the leave to extend my remarks in the RECORD I add the following as specimens of questions asked in the examinations which have been conducted during the past several years, all taken from the official pamphlet sent to my office by the Navy Department, and are fair samples of the scope of knowledge required of a 16-year-old boy. The time allowed each question averages about 12 minutes.

ARITHMETIC—THE SIMPLEST AND MOST ELEMENTAL OF MATHEMATICS.

[April, 1913.]

(*a*) A cubic foot of ice melts into 0.909 cubic foot of water. If 1 cubic foot of water weighs 62.5 pounds, find, in feet, to two decimals, the edge of a cubical receptacle which will be completely filled when 1,000 pounds of water are frozen in it.

Question 4. (*a*) A hollow cylinder of steel 12 feet long has an outside circumference of 3½ feet and is 1 inch in thickness. If steel weighs 480 pounds per cubic foot, what is the weight of the cylinder?

(*b*) Copper is 8.8 times as heavy as water and tin is 7.3 times as heavy as water. How many pounds of copper and how many pounds of tin must be used to make 1,000 pounds of a mixture which shall be 8 times as heavy as water?

(*b*) If money is worth 5 per cent, what is the present value of a note for $1,000 drawn 2 months ago, maturing 7 months and 12 days hence and bearing 4 per cent interest, allowance being made for 3 days' grace?

(*c*) A's automobile completes 12 circuits around a circular track in an hour, B's completes 10 circuits, and C's completes 9 circuits in an hour. If the three start together, how long a time will elapse before all three are again together?

[February, 1913.]

Question 5. (*a*) An open rectangular box made of boards ½ inch thick has external dimensions as follows: The bottom is 16 by 10 inches; the height is 6½ inches. The empty box weighs 4 pounds. When filled level full with sand the box and sand weigh 100 pounds. Find the weight of a cubic foot of the material of the box and the weight of a cubic foot of sand.

(*b*) One meter is 39.37 inches. A kilogram is 2.2 pounds, and is the weight of a cubic decimeter of pure water. Find the weight of a cubic foot of water correct to a tenth of a pound.

[April, 1912.]

(*b*) Find, to the nearest tenth of a foot, the dimensions of a cubical tank which will just hold a rainfall of 1 inch in depth on a field of 20 acres. If 1 cubic foot of water weighs 62.5 pounds, how many tons of 2,000 pounds are there?

(*a*) An importer, after paying 15 per cent duty on an article, sells at a profit of 20 per cent to a dealer, who in turn receives $193.20, making 40 per cent profit. What was the original cost?

[June, 1912.]

(*b*) If 5 miles is 8,000 meters, how many square meters in an acre? The sides of a quadrilateral field ABCD, taken in the order AB, BC, CD, DA, are 25, 60, 52, and 39 rods and the diagonal AC is 65 rods. How many acres are there in the field?

[April, 1909.]

(*b*) A skating rink 110 yards long by 90 yards wide is covered with ice 5½ inches thick. If water in freezing expands 0.089 of its volume, find in feet the dimensions of a cubical tank which will just hold the water before freezing (result to nearest tenth of a foot).

4. (*a*) The outside dimensions of a covered box are 4 feet 8 inches by 4 feet 2 inches by 2 feet 6 inches, and the material of which it is made is 1 inch thick. Find its weight if 1 cubic foot weighs 912 ounces.

[June, 1908.]

(*b*) With discharge pipe stopped, a bathtub can be filled by one faucet in 11½ minutes or by the other faucet in 9 minutes. With discharge pipe open, both faucets run for 5 minutes; then the discharge pipe is closed, and it requires 3¾ minutes more to fill the tub. How long does it take the discharge pipe to empty a full tub?

(*a*) Two freight trains 240 yards and 200 yards long, respectively, take 25 seconds to pass each other when running in opposite directions, and 3¾ minutes when running in the same direction. What are the speeds in miles per hour?

[June, 1911.]

(*a*) A captive balloon is held by 10,000 feet of steel wire $\frac{1}{16}$ inch in diameter, weighing 0.25 pound per cubic inch. What is the total weight of the wire? If steel will stand a strain of just 50,000 pounds to the square inch, how many feet high could the balloon go without the wire breaking of its own weight? (Use $\pi = 3.1416$.)

[June, 1905.]

(*b*) A cake of ice 2 feet by 1 foot by 10 inches, when melted, just fills a cubical tank. The volume of the water is 92 per cent of the volume of the ice. Find the dimensions of the tank in feet to three decimal places.

(*a*) Three racing machines start together around a circular racing track 6 miles in circumference. How far will they go before they are all together again, their respective speeds being 35, 40, and 45 miles an hour?

Now, here's one in astronomy (disguised, still, as arithmetic):

[June, 1911.]

(*b*) Regarding the orbit of the earth around the sun as a circle of 92,700,000 miles radius, find the velocity in miles per second (to the nearest tenth) if the time of one revolution is 365¼ days.

(*d*) If light travels 186,000 miles a second, find the time in minutes and seconds for the passage of light from the sun to the earth. The distance is 92,700,000 miles.

ALGEBRA.

[April, 1913.]

(*c*) It is m miles from A to B. Two men start at the same time from the two places and walk toward each other, the man from A walking a miles an hour and the man from B walking b miles an hour. At what distance from A will the men meet?

Factor $a^3+b^3+c^3-3abc$.

[April, 1906.]

(*c*) $(x-a)^3+(x-b)^3+(x-c)^3=3(x-a)(x-b)(x-c)$.

2. (*a*) Given $x=32$, what is the value of each of the expressions $x^{\frac{2}{5}}$, $x^{-\frac{3}{5}}$, x^{-2}, x^0?

[June, 1912.]

Question 5. (*a*) Given $y^2-2xy+9x^2+14y-30x-15=0$, find y in terms of x; then find x in terms of y. Between what limiting values of x is y real and between what limiting values of y is x real?

GEOMETRY.

[April, 1913.]

(*b*) In a circle of 5 feet radius, find the angle subtended at the center by an arc 7 feet long. Also, find the area of the sector bounded by this arc and two radii.

(*c*) From a circle of 6 feet radius two chords, intersecting in the circumference, cut out an arc 12 feet long. What is the angle between the chords? If in this circle two equal chords intersect in the circumference and intercept an arc of 90°, what is the area of one of the equal segments cut from the circle?

[April, 1913.]

Question 5. (*a*) Show how to inscribe, in a semicircle, a square having one side coincident with the diameter joining the ends of the arc. What part of the semicircle is included within the square?

(*b*) Prove that the side of the regular decagon inscribed in a circle of radius a is $\frac{a(\sqrt{5}-1)}{2}$. Thence find the length of the side of the regular inscribed pentagon.

[April, 1913.]

(*b*) A triangle, 6 inches in altitude, stands upon a base 15 inches long. Find the area of the trapezoid cut from the triangle by a line parallel to the base and 2 inches above it.

(*c*) The sides of a triangle are 21, 22, and 23 feet long. Find its area.

[April, 1911.]

(*b*) Given a scalene triangle of altitude h and base b, a square is inscribed in the triangle, one of its sides lying in the base. Show that the area of the square is $\left(\frac{bh}{b+h}\right)^2$.

A pretty wide range of "simple" mathematics for a "beginner" to show his fitness for entering a school!

And here are a few in history, ancient, medieval, and modern, and in other studies:

[April, 1913.]

Question 4. Write a theme on the United States touching on (1) form of government, (2) people, (3) topography, (4) principal products, (5) exports, and (6) imports.

In 12 minutes, mind you!

[April, 1913.]

Question 2. (*a*) Give details of Washington's campaign in New Jersey in the winter of 1775–76.

(*b*) How was the surrender of Cornwallis brought about, and what were the consequences of his surrender?

I will refer to this brilliant question later on.

[June, 1911.]

1. (*a*) What were the causes of the breaking up of the feudal system? (*b*) What is meant by the "rise of the free towns"?

2. Write briefly on the following topics: (*a*) Rienzi, (*b*) Hanseatic League, (*c*) Nicaea, (*d*) Peter the Hermit, (*e*) Wycliffe, (*f*) Knights of the Temple, (*g*) Barbarossa, (*h*) Roger Bacon.

3. Give a brief account of Frederick the Great.

4. Explain the Renaissance in the following aspects: Inventions and discoveries; art and literature; religion and government.

[June, 1911.]

1. Trace the growth of democracy in Rome previous to the Punic Wars.

Why did not they ask the candidates to trace the growth of Bull Mooseism in Pennsylvania previous to the late presidential election?

2. Explain the Macedonian phalanx and the Roman legion. What were the advantages of each?

3–4. Outline the spread of Christianity in the Roman Empire. (One-half page.)

UNITED STATES HISTORY.

[June, 1911.]

Arrange these battles in chronological order, stating in each case between whom they were fought, the names of the commanders on either side, and the victor: 1, Antietam; 2, Big Horn; 3, Bull Run; 4, Chapultepec; 5, Chesapeake and Leopard; 6, Fallen Timbers; 7, Five Forks; 8, Gettysburg; 9, King's Mountain; 10, Lake Erie; 11, Lexington; 12, Manila Bay; 13, Monmouth; 14, New Orleans; 15, Palo Alto; 16, Plains of Abraham; 17, Santiago; 18, Tippecanoe; 19, Trenton; 20, Wilderness.

Explain briefly the significance in American history of the following names: 1, Peter Stuyvesant; 2, Pere Marquette; 3, Oglethorpe; 4, Shay's Rebellion; 5, Monroe doctrine; 6, John Brown; 7, Farragut; 8, the Panama Canal; 9, Andrew Johnson; 10, the new nationalism; 11, greenbacks; 12, Boxer rebellion; 13, the X Y Z correspondence; 14, nullification; 15, Dred Scott; 16, Dorr's Rebellion; 17, Harriet Beecher Stowe; 18, Missouri compromise; 19, Clayton-Bulwer treaty; 20, Lecompton constitution.

[April, 1913.]

Question 4. (*a*) Give an account of Grant's principal achievements during the Civil War.

(*b*) Mention the chief political parties at the present time, and state the position of each on two important questions.

Why, even my friend from Kansas, the Bull Moose leader, would not be able to answer but two-thirds of this question!

GEOGRAPHY.

[June, 1910.]

Question 1. Locate the following and tell what each is: (1) Aconcagua; (2) Agana; (3) Bab el Mandeb; (4) Brahmaputra; (5) Oahu; (6) Darling; (7) Finisterre; (8) Fundy; (9) Kattegat; (10) Kenia; (11) Guantanamo; (12) Monrovia; (13) Mukden; (14) Nipigon; (15) Palermo; (16) Pechili; (17) Punta Arenas; (18) Scilly; (19) Tucson; (20) Yankton.

They might as well have asked them to locate Dogs Tooth, Buzzards Roost, or Sundance, for which a $50,000 public building was appropriated in the Senate last year.

How many Congressmen, I wonder, can describe the relative tactical advantages of the Roman legion over the Macedonian phalanx? It is doubtful if Gen. J. Cæsar himself could have done so. And how about the spread of Christianity in Rome, ye doctors of divinity and erudite theologians?

When it is remembered that Cushing, who a year or two later blew up the *Albemarle* and broke the power of the Confederate Navy on Albemarle Sound, one of the most daring exploits in naval annals, failed in ancient history at the Naval Academy and was dropped, the importance of this vital subject can be estimated. This fact, and that of George A. Custer, the dashing Cavalry leader and Indian fighter, who was "found" at West Point on the subject of tactics, would tend to prove that mere book learning in the abstract is not always a safe test of a youth's fitness for the naval or military service. It is said that both Custer and Cushing, after having won imperishable fame, were offered the diplomas which had been previously denied them, and that they each courteously but firmly declined as then superfluous. The world had then awarded them their right to practice their profession, and they very properly regarded the certificates of these schools as unnecessary.

But listen to this—and this question is taken from the examination papers of April 15, 1913, the last one held, the subject being United States history:

Give the details of Washington's campaign in New Jersey in the winter of 1775–76.

Now, the answer to that is very simple, and readily occurred to one bright boy (after having wasted 20 minutes writing on Washington's Monmouth campaign, which occurred two years later—a wild-goose chase into which the wise board artfully led them, expecting them to be entrapped). It is just this: Gen. Washington was not in New Jersey during the years mentioned. Now, is not that easy? Simple as rolling off a log. But who would have thought of it?

What can be the object of propounding catch questions of this character but to confuse and flunk them? Is it fair? Of course it must be assumed that it was intended as a catch question, for the examiners could never have been guilty of making such a blunder themselves in good faith. Perish the thought! Is it any wonder that out of the 219 papers first examined but 41, or less than 20 per cent, successfully passed? The authorities themselves recognized this, which is proved by the fact that the papers were regraded, and many of those who had been notified they had been rejected at first were recalled and admitted.

It is a fact, too, that of the first 20 who had successfully passed the mental test, out of this small percentage to make good, upon presenting themselves for physical examination but 5 of them were found physically sound enough for acceptance. Is not this a commentary on "average efficiency"?

It used to be the pons asinorum the aspirant had to pass before qualifying for ancient honors; now it is no longer the "bridge of asses," but the "bridge of sighs" the poor candidate must cross to attain the prize. And, speaking of that dolorous arch, reminds me: It is not infrequently the case that the poor midshipman candidate is required to critically scrutinize and correct obscure and subtle errors sometimes made in the masterpieces of the greatest poets and prose writers of English literature. For example:

I stood at Venice on the Bridge of Sighs,
A palace and a prison on each hand.

Now, What is the matter with that? you ask. Well, only this: One of the examiners had happened to take a trip to Venice, and, crossing the Bridge of Sighs, discovered that there was but one palace and one prison, where there ought to be two,

or else Byron was wrong in his grammar. So the "Pilgrimage of Childe Harold" has been handed over to the American boy to rewrite. And, again, in his "Recessional" Kipling was rash enough to say:

The captains and the kings depart,
The shouting and the tumult dies.

Of course, rhetorically speaking, "die" would have agreed better with the plural substantive used as a subject, but a little mistake like that did not feaze Rudyard or prevent his being the greatest living poet to-day as well as an acknowledged master of literature of every kind. Yet he again is passed up to the western and southern boy to be viséed up to date.

All of which only goes to show that were Lord Byron and Rudyard Kipling—not to mention "T. R."—to present themselves for admission to Annapolis they would, undoubtedly, each be turned down in English.

But the examiners have not as yet asked the candidates to define and parse "spizzerinktum," the stunning new word advertised in burning red letters in the street cars and which a local paper has discovered in that monumental work, the New Modern Dictionary, which sells for 81 cents per. Probably this variety of etymological rara avis will be captured by the board and inflicted upon the unhappy candidates on the next examination. It is not at all surprising that one boy, in answering the question "Locate Mona Lisa," fixed its position accurately on the map by writing, "Mona Lisa is an island just west of Porto Rico." It is comforting to feel that the authorities of the Louvre will now be able to recover it. Another one thunderstruck the board and covered himself with glory by giving as a reason for science not being able to utilize the energy of Niagara the following expressive, if laconic reply: "Dammit, you can't." He was rejected. Another Texas boy, driven to desperation by the diabolical character of the questions, handed in his papers in disgust, bearing this defi: "This board may go to hell; I'm going to Texas."

Now, what were the causes of the greater number of physical rejections? Here are some: "Unscientific dentition," which, being translated, probably means poor dentistry; "incisor and bicuspids missing"; "non- or imperfect articulation"—not of speech, but of teeth; "cavities unfilled"—but how about appointment vacancies; do they count? "astigmatism and myopia"—whatever they are; "ozena, polypi, or an exacerbation of pathognomonic symptoms, indicating a tendency toward inheritable phimosis"—of course, if he has that he ought to be turned down; "ingrowing toenails"—who has not got them? "hammer toes and flat feet"—a common and simple defect; "overbite and occlusion"—of the snapping-turtle variety, possibly.

If all these ailments were made lions in the path for political honors, how many, let me ask, leading Congressmen would we have in this august body, to say nothing of the more pretentious disabilities, in common with rejected midshipmen candidates, such as impaired mentality, weak or disordered intellect?

A number of the mentally successful candidates were ruthlessly turned down because they could not hear a watch ticking at a distance of 40 inches from the ear, with the "modifications produced by changes in pitch and tone," as the pamphlet gravely informs us, until it was discovered the watch had stopped. Some people who can not hear a watch or clock ticking manifested by the thunderous swinging of the pendulum of eternity, yet, nevertheless, are attuned to such a nicety in hearing as to readily distinguish an invitation, however subdued, to take a drink; that is to say, they can hear anything of any importance. There are others who manage to get along through life without serious discomfort who have not the ability to detect the ticking of a watch—even a Waterbury. It is safe to say that even the Capitol captain of the watch can not always hear it at a distance of 40 inches.

Though the Naval Academy authorities make a bluff at discouraging parents sending their sons to special preparatory schools on the ground that it tends to remove the susceptible youth from refining home influences and subjects him to the doubtful influences of new environments and surroundings among strangers in a strange place, yet it is a well-known fact that there is not an officer in the service who does not regard these schools as an absolute necessity for a boy's proper preparation or who will not at any cost keep his son or sons there as long as possible should he be lucky enough to secure an appointment. There is not an officer who does not know that the boy's success depends upon a special, rigid preliminary cramming, no matter what his previous schooling has been. As proof of this: In 1907 President Roosevelt appointed five principals to the Naval Academy. All were the sons of naval officers. One of them had just graduated with highest honors from a high school in Brooklyn. His diploma and the certificate of the principal of the school pronounced him to be the brightest pupil the school had turned out. He was regarded as a prodigy. His father, who was a gunner and whose pay as a warrant officer was too small to stand the expense of extra tuition, feeling that his son's success was certain, omitted the preparatory school essential. The remaining four enrolled, all at Annapolis schools. All took the examination at the same time and all passed and finally graduated except the Brooklyn boy, the son of the gunner, who failed lamentably. The sons of guns rejected him.

This is but one of numerous examples which might be given of the effect of special coaching schools. Here is a letter from the Army and Navy Register of May 31, written by an officer, himself a graduate of the academy, to the principal of one of the two Annapolis schools, the one usually patronized by naval officers and whose record for success is of the highest. The letter speaks for itself.

WASHINGTON, *D. C., May 6, 1913.*

Having successfully prepared two of my sons for the Naval Academy, each entering on the first trial without the slightest difficulty, and both being rated with very high percentages, I feel impelled to express to you my very grateful and sincere appreciation of your able coaching, which contributed so materially to the successful realization of my boys' aspirations.

With only three months at your school, one attending in 1907 and the other this year, the results achieved in both cases were signally marked, for though both were good students and well advanced for their ages—16—and both had passed through high school, I doubt very much if either could have stood the mathematical test without the careful and thorough drilling you gave them. One, having graduated, is now, as you know, an ensign, the other a midshipman.

I do not hesitate to recommend your methods in preparing candidates for entrance, viz, close and constant personal supervision, with especial adaptation of the work to suit the individual boy, the degree of his advancement, alertness, etc., as well as your especial ability in your particular line as a mathematical instructor. And as for being a "coach," why, you are the whole outfit—a "coach and six," with postilions, footmen, and outriders thrown in, not to mention the highwaymen!

If I had 50 sons (which God forbid!) instead of only 4 (which I am proud to say I have), you should have them every one to train. As soon as the other two get old enough to secure appointments you shall have them!

If only your school had been in existence during my day, how many poor "busted candidates" would have been saved to be embalmed among future heroes and a paternal Government been made that much poorer!

The following compilation of the results of the examinations during the years 1908–1912 shows what happens: Number examined, 3,054. Of these, there failed in the subjects mentioned as follows: English—grammar and composition—938; geography, 870; history, 945; arithmetic, 1,289; algebra, 1,665; and geometry, 1,529. This exhibits the apparent paradox of an aggregate of 7,236 failures out of but 3,054 who took the examination, or more than 200 per cent. But this, of course, can only be accounted for on the ground that all the failures fell short on two or more different subjects, and this, too, after many of them had been reappointed and were allowed reexaminations. Of the total number examined during the five years above computed but 1,247 passed, which number includes all the alternates as well as principals examined, many of whom, of course, were not admitted because their principals, too, had passed.

This, perhaps, will go toward explaining why my friend from Washington [Mr. HUMPHREY] has not been able to get any of the bright boys of his district into the Naval Academy for the past 10 years.

Finally, in the face of the refreshing assurances made on the floor of the House by the gentleman from Tennessee [Mr. PADGETT], it is presumed, upon the authority of the naval officials themselves, that the examinations have this year been made much easier, we have the cold facts that out of 500 failures on the February and April examinations 303 of them were given a third examination June 5—reexamined on the very same subjects, knowing the scope and character of the examinations, the very identical kind of questions they were before asked—and of these 303 but 74 passed, less than 23 per cent. Figures will not lie.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, I think one weakness of the American people, public men, editors of our public press, and very often it creeps into both Houses of Congress, is a tendency to discredit our public officials. We will not find this mistake in any foreign Government. We are too apt and too anxious to find fault with our system of government and our administration of public affairs. I firmly believe the Military Academy at West Point and the Naval Academy at Annapolis are two of the best institutions of the kind in the world. No country has educated better men, better or braver fighters on land and sea than these two splendid institutions. The men who compose the faculties of these institutions certainly have the best interest of our country at heart, and I say that the criticism of them,

direct or indirect, is unjust. And I most heartily commend and indorse the defense made of these institutions by the gentleman from Virginia [Mr. SAUNDERS]. We have four committees of the House and the Senate—the Military and Naval Committees—which give this subject of legislation affecting these institutions careful and conscientious study and consideration. Then we have selected by Congress and the President of the United States annually boards of visitors, men who are vitally interested in the welfare of the students and of the institutions, who go there and carefully investigate and thoroughly examine into the affairs and management of those institutions. Every few months there sail into our harbors foreign naval officers, some of them here last week from the Argentine Republic. They visit West Point and Annapolis, and the favorable comments that they make upon those institutions ought to be a matter of gratification and pride to the American people.

They are the best-managed and most efficient and thorough institutions of their kind in all the world, and the American people owe a debt of gratitude to the men who have made the successes of the training and education of the men who have gone out from Annapolis and West Point and gained honor, glory, and greatness for our country. There has not been a vacancy from the district I represent since the Civil War, and I have a waiting list now for appointments at those two institutions. The principal I nominated for Annapolis recently attended one of these preparatory schools for three months. He failed on his examination, but one of his alternates, Moses B. Byington, jr., without any preparation in one of these preparatory schools, from a country high school, passed a creditable examination. That is proof in itself that the statement that these preparatory schools exercise a wrongful or unjust influence on the examinations is not well founded. There is no influence or political pull in the admission of these students or on their monthly or quarterly or annual examinations. I have had some personal knowledge in this matter. I had a son graduate at Annapolis in 1905, and I frequently visited Annapolis in that four years, and I had many opportunities to look into the management of that institution.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. I yield one minute more to the gentleman.

Mr. AUSTIN. Now, for the consolation and comfort of those Members who say that they can not find students in their districts to pass these examinations I desire, without malice, to state a little instance that occurred on the floor of this House several years ago. My late colleague, Mr. Brownlow, from the first Tennessee district, was approached by a Tennessee colleague, and he said: "Brownlow, why is it that every time we have a civil-service examination at Knoxville, Tenn., the applicants from your district pass and all from my district fail?" Mr. Brownlow's reply was: "Why, it is a good thing for you that your applicants can not pass these civil-service examinations." His colleague said, "Why?" In answer Mr. Brownlow said: "If they could pass civil-service examinations somebody else would be representing that district in Congress." [Laughter and applause.]

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, I was surprised to hear my good friend the Representative from Georgia [Mr. HOWARD] almost denounce the public-school system of the United States. I can not believe that he represents in that criticism or denunciation the feeling of the people of his State with regard to the public-school system of this country. In Iowa, where we have the highest percentage of literacy of any State in the Union, the people glory in the public-school system as perhaps the brightest jewel of the Republic, and I do not believe that we should cast upon the high schools or public-school system of this country discredit because those who come from them fail to pass these examinations at the Naval and Military Academies.

Mr. Speaker, it is a very significant fact, which I desire to call especially to the attention of the House, that we have heard here the testimony of the leader of the minority [Mr. MANN], the Representative from Illinois, saying that he would not appoint a man to a position to either of these academies unless the applicant would take a few months of special preparatory work at one of these preparatory academies. I talked with a Member of Congress who for more than 20 years had served in this House, and he told me that he never had made a recommendation that had gone through except they had taken this preparatory work at one of these preparatory academies.

Mr. Speaker, it is furthermore a fact that I learned from conversations with these students themselves that they believe that there is little chance for the young man unless he does take this special preparatory work at one of these schools. Now, I do not say that this means necessarily that favoritism has been shown in allowing those to go through who have taken this preparatory work, but I do say that there is something wrong in a system which will allow 60 to 75 per cent of those who have taken a cramming of three months, given them by a preparatory school, to then successfully pass after that cramming, when equally able young men, coming from schools, high schools, and some of them from the colleges of this country, are unable to pass the examination or to get through.

Gentlemen have said here that what we needed was a more thorough preparation in the high schools and in the public schools, but can it be considered that a thorough preparation, that with three months in one of these preparatory schools, can so fix up the mentality and the equipment and the profound knowledge of these subjects that will enable 60 or 75 per cent of these boys to pass? In my judgment, there is something wrong in the system of examinations somewhere. I do not know where it is, but we certainly ought to find out. Those young men who are to go into the Navy or into the Army—in the service of their country—ought to be sound physically. We all admit that. They ought to be intelligent. We all admit that. But they ought not to be compelled to incur the expense or take the time of a three months' preparation in an academy at Washington or Annapolis as a requisite for admission into the national schools for preparation for service in the Army and Navy of the United States. Such a condition imposes an unjust handicap on the poor boy who can not afford the additional expense, and adds a burden not contemplated nor authorized by the law.

Mr. MANN. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. SIMS].

The SPEAKER. The gentleman from Tennessee [Mr. SIMS] is recognized for 10 minutes.

Mr. SIMS. Mr. Speaker, as we all know, there were no committees appointed for the present Congress until some time in June. I do not remember just the exact date. But we all know from several votes in the House of Representatives in the last Congress it was the fixed and determined purpose to abolish the Commerce Court. Without a committee to which a bill could be referred, I introduced a bill, H. R. 1921, which simply embraced the provisions of the appropriation bill that had been passed abolishing the court, but which had been vetoed. I did that for the purpose of moving to suspend the rules and pass the bill, and to avoid the contention that the bill had not been considered by any committee—by introducing and passing simply the legislative provisions in the appropriation bill which had been considered, and which was passed over the veto of the President.

At the request of the chairman, I carried that bill to the Attorney General, the Hon. J. C. McReynolds, and asked for any suggestions that he might have to make, stating to him plainly that the question as to whether the court was to be abolished or not was not to be considered by him, for we had settled that already. I received the following letter from the Attorney General, dated May 6, 1913, which reads as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., May 6, 1913.

MY DEAR MR. SIMS: As you requested, I have considered your bill (H. R. 1921) abolishing the Commerce Court with a view to giving you some aid about the jurisdiction of the courts.

Irrespective of the policy of the measure, upon which I express no opinion, I venture to suggest, in line with your views—

1. Venue: As drawn, the bill would probably permit the railroads a choice of a considerable number of districts, and I should think it would be desirable to fix the jurisdiction more definitely by law.

I don't think of any better method than to return to the method which existed prior to the establishment of the Commerce Court, which was generally the district in which the complainant resided or, if a corporation, had its principal operating office.

2. Interlocutory injunctions: I think the bill should explicitly prohibit any court from issuing an interlocutory injunction unless they specifically find that the validity of the commission's order is seriously doubtful and that the irreparable injury to the petitioner *from its enforcement* pendente lite would be substantially greater than the irreparable injury to the beneficiaries of the order from its suspension.

3. Temporary restraining orders: I suggest the eliminaton of the provision for temporary restraining orders, because under the law there must be a period of at least 30 days after the order before it goes into effect (sec. 15 of the act to regulate commerce), and this ought to allow plenty of time for the railroad to make its application for the ordinary interlocutory injunction provided for by your bill. Also, the commission has not made difficult the matter of extending the effective dates of its orders where the occasion justified.

4. Supreme Court Justices: I suggest that the requirement that the Supreme Court Justices participate in the hearing of applications for interlocutory injunctions be eliminated because that court is so heavily overburdened already and because it would be very inconvenient for them to be traveling about to the districts where hearings are to occur, or for the judges of those districts to come especially to Washington.

5. Appeal: The provisions for an appeal, on page 4, lines 3, 4, 5, and 6, are probably inadvertent because the subject is covered by similar provisions on page 2, lines 15, 16, and 17.

6. Remand: There should be some express provisions for remand of cases now pending undecided in the Supreme Court.

7. State commissions: At page 4, lines 12, 13, and 14, I assume that "any administrative board or commission created by and acting under the statute of a State" means any "public-service commission," etc.

8. Record, findings, limitation of review, and certiorari: To expedite these cases as much as possible and to limit the court review to questions of law, perhaps you might wish to incorporate some such sections as I have drafted and attached at the end of your bill, numbered sections 6 and 7.

I have also suggested these sections to Mr. BROUSSARD in connection with the bill I understand he proposes to introduce, because I think that Congress may desire to subject any court, whether the Commerce Court or the district court, to these limitations.

9. Numbering: For purposes of reference and litigation it is so much more convenient to have the bill broken up into sections that I have ventured to suggest this on the text of the bill.

On the attached copy I have indicated changes which would accomplish these suggestions, if you should conclude to accept them.

Very respectfully,

J. C. MCREYNOLDS,
Attorney General.

Hon. T. W. SIMS,
House of Representatives.

Then, on the 22d of May, 1913, I received the following letter from the Attorney General:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., May 22, 1913.

Hon. THETUS W. SIMS,
House of Representatives.

MY DEAR MR. CONGRESSMAN: I am sending you herewith a copy of a letter from my friend, Mr. Hines, who for a long time has been connected with interstate-commerce litigation as a representative of the railroads. What he says is always worthy of very serious consideration, and I commend his suggestions to you.

Very truly, yours,

J. C. MCREYNOLDS,
Attorney General.

Inclosure: Copy of letter from Walker D. Hines, Esq., dated May 21, 1913.

The copy of the letter inclosed from Mr. Hines is as follows:

CRAVATH & HENDERSON,
New York, May 21, 1913.

Hon. JAMES C. MCREYNOLDS,
Attorney General, Washington, D. C.

DEAR MR. MCREYNOLDS: Referring to my letter of 7th instant, relative to H. R. 1921, introduced by Mr. SIMS, which bill, I presume, is intended to be superseded by H. R. 4546, introduced by Mr. SIMS, the latter being apparently of the same tenor, and to my conversation with you yesterday.

Section 206 of the Commerce Court chapter of the judiciary act (36 Stat. L., 1148) provides that the Commerce Court's orders, writs, and process may run, be served, and be returnable anywhere in the United States. This section does not purport to deal with either the jurisdiction or the procedure of the Commerce Court, but defines certain of its powers, including the power to issue process, and therefore the Sims bill would not continue that section in force, but would be regarded as repealing it.

It is well established that, independently of express legislation, a district court of the United States can not issue process beyond the limits of its own district, but that the process can only be served upon persons within the same district. (Toland *v.* Sprague, 12 Peters, 300; Herndon *v.* Ridgway, 17 How., 424; United States *v.* Union Pacific R. R., 98 U. S., 569.) I do not understand that sections 51 to 57 of the district courts chapter of the judiciary act (36 U. S. Stat. L., pp. 1101–1103) would empower the district court to issue process running beyond the limits of the district in cases brought under the Sims bill, either to enforce or set aside orders of the commission.

With respect to suits brought to enforce orders of the commission, it would be a matter of great importance to the Government to have adequate provision for process of the district court running into other districts and States.

With respect to suits brought by railroad companies to set aside orders, I doubt if the question would be so important, because I believe the bill as a whole would evidence an intention on the part of Congress that the United States might be sued in any district, and that the court would find some way to hold that the Government was duly before the court. Even in such suits, however, the matter might be of importance if it should be desirable to bring in other defendants besides the United States.

On the whole, I believe it very important to the Government, and desirable to carriers, that there should be an express provision in the Sims bill that in all suits covered thereby the process of the district court shall run, be served, and be returnable anywhere in the United States.

Sincerely, yours,

WALKER D. HINES.

After I saw the committees were going to be appointed before all appropriation bills were brought in, I had prepared as best I could, with all the help I could get, the bill H. R. 5611, and after having received the kind of a letter I did from the Attorney General, I felt it would have been an absolute discourtesy to him not to submit that bill to Mr. Hines for his suggestions. I did so, and I received the following letter from him with reference to the bill, dated June 2, as follows:

CRAVATH & HENDERSON,
New York, June 2, 1913.

Hon. T. W. SIMS,
House of Representatives, Washington, D. C.

DEAR MR. SIMS: I feel greatly complimented that you have written me in regard to H. R. 5611, and shall do my best to comply with your request.

I understand your purpose to be to transfer to the district courts the jurisdiction now vested in the Commerce Court, and to provide for the employment in the district courts of practically the same procedure that is now employed in the Commerce Court, and to do all of this with the least change in the law, so as to avoid, as far as possible, changes of an affirmative character which will call for construction by the courts.

Accordingly I have the following suggestions to make:

The Commerce Court act provides:

"Its orders, writs, and process may run, be served, and be returnable anywhere in the United States."

H. R. 5611 provides:

"The writs and processes of the district courts may in these cases be issued at (I understand the word 'at' is to be changed to the word 'to') any place within the United States."

Would it not be better to copy in this respect the exact language of the Commerce Court act, so as to avoid the possibility of any court assuming that the change in the language was intended to bring about a change in the meaning? You will note the Commerce Court act uses the word "orders" as well as the words "writs and process."

Therefore, would it not be better to follow precisely the language of the Commerce Court act, so that the language would read:

"The orders, writs, and processes of the district courts may in these cases run, be served, and be returnable anywhere in the United States."

The Commerce Court act provides as an exception—

"that in cases where irreparable damage would otherwise ensue to the petitioner, said court, or a judge thereof may, on hearing, after not less than three days' notice to the Interstate Commerce Commission and the Attorney General, allow a temporary stay or suspension in whole or in part of the operation of the order of the Interstate Commerce Commission for not more than 60 days from the date of the order of such court or judge, pending application to the court for its order or injunction, in which case the said order shall contain a specific finding, based upon evidence submitted to the judge making the order and identified by reference thereto, that such irreparable damage would result to the petitioner and specifying the nature of the damage. The court may, at the time of hearing such application upon a like finding, continue the temporary stay or suspension in whole or in part until its decision upon the application." (Sec. 208 of the judiciary act, 36 U. S. Stat. L., p. 1149.)

H. R. 5611 requires the application for a temporary restraining order to be made to three judges and on five days' notice, and thus puts the matter on practically the same basis as an application for a temporary injunction and wipes out entirely the plan of the Commerce Court act, which contemplates that an application for a temporary restraining order may be made to a single judge of the court and on three days' notice. Indeed it will be much more important in the district court to have an opportunity to apply for a temporary restraining order to a single judge than it has been in the Commerce Court. In the Commerce Court, generally speaking, a majority of the members of the court is always available in Washington, so that an application can be made to them without serious inconvenience. But if the Commerce Court should be abolished, it would be rarely the case that three Federal judges of the required grade would be found together in any one place, and it would be necessary before the petitioner could make an application for him to prevail upon the judges to go to some place where they could sit together and hear the application for a temporary restraining order. This may be a matter of most serious consequence, and it may become utterly impracticable within the time before an order is to take effect to get the judges assembled who are qualified to pass upon the application for the restraining order.

Under such circumstances it is highly desirable to preserve the procedure already recognized by the Commerce Court act and to permit the application for the temporary restraining order to be made to a single judge. This matter was quite carefully considered by Congress in connection with the act regulating the issuance of injunctions by Federal courts against State railroad commissions, and it was there recognized that it would be necessary in many cases to make an application for a temporary restraining order to a single judge on account of the physical impossibility of getting three judges together within the limited time.

Of course, if an order of the commission is unlawful and will be set aside when the court comes to consider it, it will be far better for everybody concerned to have the order temporarily restrained while the court is considering the motion for a temporary injunction. Otherwise the commission's order will go into effect for a short period of time and will completely upset the existing tariffs and the existing trade relations, and then there will be a further reconstruction of the situation when the temporary injunction shall be granted. This is peculiarly a situation where the status quo ought to be preserved in cases of irreparable damage. Of course, after obtaining the restraining order the petitioner will have to proceed promptly to make his application for temporary injunction to the three judges, and the restraining order will remain in effect only until the three judges shall have passed upon the application for the temporary injunction.

For the same reasons it would be better to preserve the three days' notice for application for temporary restraining orders, thereby preserving the provision of the Commerce Court act instead of extending the notice to five days.

The only other suggestion I have is that under the Commerce Court act there is specific provision (sec. 210) that—

"a final judgment or decree of the Commerce Court may be reviewed by the Supreme Court of the United States if appeal to the Supreme Court be taken by an aggrieved party within 60 days after the entry of said final judgment or decree."

There is no provision in the same language, or substantially in the same language, in H. R. 5611. But there is a provision in lines 3 and 4, on page 4, that the same procedure as to expedition and appeal shall apply upon the final hearing of cases as applies with respect to orders granting preliminary injunctions. The question occurs to me whether there may not be danger that the court will construe this as meaning that there may be no appeal at all upon the final hearing except where the final judgment or decree grants an injunction against the commission's order. I am satisfied this is not the intention, and I think it quite doubtful as to whether the court would place such a construction upon the provision. But understanding from your letter that you desire to put the matter upon substantially the same basis as it now is, it has occurred to me that you might think it advisable to clear up this question entirely.

In conclusion, I suggest for your consideration whether it might not be a good plan, after transferring the jurisdiction to the district courts and providing for the venue, to repeat practically verbatim the provisions of the Commerce Court act. This will reduce to a minimum any danger there may be of new questions being raised and new constructions insisted upon or allowed.

Sincerely, yours,

WALKER D. HINES.

I then wrote him, acknowledging receipt of his letter, and inclosed to him the following proposed amendments, along the line of his suggestions in three particulars, which I will put in

the RECORD, but stated I could not agree to one of his propositions, and that was that a petition for a preliminary restraining order should be submitted to a single judge, because there seemed to be great opposition by those who were in favor of continuing the court to having petitioners who bring suits to enjoin the orders of the commission submitted to particular judges that the petitioners might select, but providing for three judges instead of one, as the law had formerly been as to issuing preliminary restraining orders, which had my opposition:

(H. R. 5611.)

In lines 20, 21, and 22, on page 2 of the bill, the words "The writs and processes of the district courts may in these cases be issued to any place within the United States" should be stricken out, and in lieu thereof the following words be inserted:

"The orders, writs, and processes of the district courts may in these cases run, be served, and be returnable anywhere in the United States."

Insert, in line 25 of page 3, after the word "case," the words:

"Provided such appeal be taken within 30 days after such preliminary injunction or restraining or stay order is granted."

After the word "apply," in line 4 on page 4, insert the words:

"A final judgment or decree of the district court may be reviewed by the Supreme Court of the United States if appeal to the Supreme Court be taken by an aggrieved party within 60 days after the entry of said final judgment or decree, and such appeals may be taken in like manner as appeals are taken under existing law from the Commerce Court to the Supreme Court."

I then received the following letter of June 9 from Mr. Hines, a long letter, giving his views as to the amendments I offered, and making further suggestions, which reads as follows:

CRAVATH & HENDERSON,
New York, June 9, 1913.

DEAR MR. SIMS: I greatly appreciate, and have read with great interest, your letter of the 5th instant. My reply is delayed because of a trip to Chicago which occupied the last four days of last week.

First. The amendment you propose in lines 20, 21, and 22, on page 2, will fully meet the point made by me. That amendment contemplates the striking out of the words "the writs and processes of the district courts may in these cases be issued to any place within the United States," and inserting in lieu thereof the following: "The orders, writs, and processes of the district courts may in these cases run, be served, and be returnable anywhere in the United States."

Second. The amendment you propose, in line 25, on page 3, after the word "case," by the addition of the words "provided such appeal be taken within 30 days after such preliminary injunction or restraining or stay order is granted," raises a question which had before escaped my attention, and that is, that under the Commerce Court act, while provision is made for an appeal to the Supreme Court from an interlocutory order granting or continuing an injunction restraining the enforcement of an order of the commission (which, of course, means a preliminary injunction), no provision is made for an appeal from a restraining or stay order, and I think perhaps you will agree with me that there is no necessity for an appeal from such an order. The restraining or stay order is merely a temporary order, which is made to preserve the status until the application for the preliminary injunction can be heard and determined. It would seem unnecessary to provide for an appeal from a temporary restraining order to the Supreme Court, because that order would either be terminated or superseded by the lower court's action upon the application for the preliminary injunction long before the appeal would, in the ordinary course, receive the Supreme Court's consideration. Under any proper practice the temporary restraining order should be but of short duration. It should be followed promptly by the hearing upon the application for the preliminary injunction.

If the court denies the preliminary injunction, that denial will terminate the temporary restraining order. If the court grants the temporary injunction, that act will supersede the temporary restraining order, and then the appeal will be from the preliminary injunction, and not from the temporary restraining order. My suggestion, therefore, would be to strike out the words "or restraining or stay order," in line 25 of page 3, and also the same words in your proposed addition.

Third. Your third amendment makes it clear that there may be an appeal from a final judgment or decree of the district court. Would it not be well in connection with the insertion of this amendment to strike out from line 4 of page 4 the words "and appeal," because the additional sentence you propose to insert takes care of the subject of appeal?

Fourth. As to permitting action by a single judge, I see that I did not make clear in my former letter the distinction between the temporary restraining order and the preliminary injunction. You are entirely correct in saying that under the Hepburn Act the preliminary injunction had to be granted by the court, which had to consist of not less than three circuit judges by virtue of the expedition act of February 11, 1903, which the Hepburn Act made applicable to suits to set aside orders of the commission. But this was not the case as to the temporary restraining order. The Hepburn Act contained no provision as to the temporary restraining order, and consequently such temporary order could be made by a single judge. I presume that this was done by virtue of section 718 of the Revised Statutes, which provided:

"Whenever notice is given of a motion for an injunction out of a circuit or district court, the court or judge thereof may, if there appears to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion; and such order may be granted with or without security, in the discretion of the court or judge."

While I have not had time to review the history of the matter, I have a very strong impression that frequent instances arose where the single judge granted a temporary restraining order in cases brought under the Hepburn Act, but, of course, such orders were very soon terminated or superseded by the action of the court consisting of three judges. My only object, therefore, is to preserve under your bill the same condition which I understand has always existed both under the Hepburn Act and under the Commerce Court act, whereby a single judge, in cases of danger of irreparable injury, has always had power to grant a temporary restraining order, which would preserve the status until the court should have an opportunity to hear and determine the application for the preliminary injunction. I think the distinction which I make between a temporary restraining order and a preliminary injunction answers the point made by you that it ought not to be permissible for the complainant to select a particular judge. It will be of no substantial advantage whatever to the complainant to get a temporary restraining order unless it can be promptly followed up by a preliminary injunction. Hence, if the preliminary injunction can be granted only by a court of three, there is no danger of abuse from the issuing of the temporary restraining order by a single judge, since such order will be speedily terminated or superseded by the action of the court of three. I may add that this matter was the subject of reconsideration in connection with the act which now provides for the court of three judges to try suits brought to prevent the enforcement of State statutes, and the justice of permitting a single judge to grant a temporary restraining order pending the opportunity for a hearing and determination of the application for a preliminary injunction was again recognized. Therefore the change I am suggesting is a very narrow one, and is intended to preserve a right which has always been recognized and which is very different from the right of having the application for the preliminary injunction passed upon by a single judge.

I may add that while the commission gives not less than 30 and frequently 60 days or more before its order becomes effective, yet the conditions are always so complex that a great deal of labor is requisite in order to make an accurate presentation of the case to the court, and it may well be that practically the entire time limit may be consumed in making a presentation which will be intelligible to the court. Consequently, it may be of very great importance to permit the carrier to get a temporary restraining order from a single judge so as to preserve the status until three judges may be assembled to hear and determine the application for the preliminary injunction. I am very hopeful that you will agree with me that the criticism and dissatisfaction which have existed in this matter have been with reference to the granting of preliminary injunctions by a single judge rather than with reference to the granting of a temporary restraining order, which, if properly guarded by statute, as it is under the Commerce Court act, is a purely temporary expedient which will be speedily terminated or superseded by the action of the court of three upon the application for the preliminary injunction.

Fifth. Another feature of this matter occurs to me and, in view of the shortness of the time, may be of some practical importance. I presume that if your bill should be passed at this session it will be passed between now and the 1st of July, since on that date, I understand, the appropriation for the Commerce Court comes to an end. Consequently, the bill will pass both Houses and be approved by the President on very short notice. The result will be that apparently things will come to a dead stop in the Commerce Court on July 1. I have no cases there and am not advised as to the state of its docket, but I presume that it is probable that the court may have numerous cases in which it has heard arguments and received briefs, either on final submission or on submission upon some interlocutory motion.

The court under your bill will cease to have any jurisdiction immediately upon the approval of the bill, except as to the details relating to the transfer of the cases. Hence, the result may be that various district courts will have to take up and reconsider matters which have already been argued and submitted to the Commerce Court, and which, in the interest of economy of time and labor, could better be decided by the Commerce Court than to be reargued and reconsidered in the various district courts. What would you think, therefore, of the desirability of making a provision that the jurisdiction of the Commerce Court should continue for 30 days after the passage of the act for the purpose of disposing of all cases and motions under submission at the date of the passage of the act, all such cases to be transferred to their respective district courts at the end of the 30 days and all other cases in the Commerce Court to be transferred to the district courts at once? I do not regard the point as of paramount importance, but it occurs to me that it might be of substantial convenience to the Department of Commerce and the commission, as well as to the counsel of the railroad companies.

Sixth. There is one other feature of your bill which I ought to have mentioned in my previous letter, especially since that feature seems to be at variance with your intention of preserving the general law as it now is. The feature to which I refer is contained in lines 4 to 12, on page 4, and reads as follows:

"The provisions of this section shall also apply to the issuing and granting of preliminary injunctions and restraining or stay orders suspending the enforcement, operation, or execution of, or setting aside, orders made by any administrative board or commission created by and acting under the statute of a State. And in such case the notice required shall be served upon the defendants in the case and upon the attorney general of the State."

Of course this is a matter with which the Commerce Court act does not deal at all and therefore constitutes entirely new legislation. Not only would the language quoted make an entirely new provision as to the cases in question, but it would be a provision which is substantially different from the existing provision contained in section 266 of the judiciary act (36 U. S. Stats. L., 1162), which relates to the granting of interlocutory injunctions suspending the enforcement of statutes of a State. Ought not the matter of issuing and granting of preliminary injunctions and restraining or stay orders suspending the enforcement of orders of State boards and commissions, if changed at all, to be made strictly analogous to the provisions relating to preliminary injunctions and restraining orders restraining the enforcement of State statutes?

I feel ashamed to have written you such a long letter, and feel that I am imposing on the consideration which you have shown me. Nevertheless, the subject is one of great importance, and I wish to make as clear as I can the points which have occurred to me. I shall be glad to render any further assistance in my power, although I am afraid I have been so prolix as to make me a discouraging correspondent.

Again expressing my great appreciation of the compliments you have shown me by conferring with me about this matter, I am

Sincerely, yours,

WALKER D. HINES.

Hon. T. W. SIMS,
House of Representatives, Washington, D. C.

I then carried these letters and suggestions of Mr. Hines and the three amendments I proposed to the Solicitor of the Interstate Commerce Commission and asked his opinion of so amending my bill 5611, and he said the three amendments proposed could not possibly hurt the bill, and he believed they would benefit it; and that is the reason why I advocated putting those three amendments in.

Mr. HARDWICK. Mr. Speaker, will the gentleman yield to a question?

The SPEAKER. Does the gentleman yield?

Mr. SIMS. Yes.

Mr. HARDWICK. Will the gentleman from Tennessee tell me who brought this Mr. Hines or the Attorney General into this thing?

Mr. SIMS. All I know about Mr. Hines being in it was from the letter I received from the Attorney General commending his suggestions to my consideration.

Mr. HARDWICK. In other words, you never had anything to do with Mr. Hines in this matter until the Attorney General of the United States brought him to your attention?

Mr. SIMS. Oh, I had heard of Mr. Hines, of course.

Mr. HARDWICK. I mean you had never heard of him in connection with the Court of Commerce legislation?

Mr. SIMS. No; I had never heard of him in connection with the Commerce Court legislation. I do not even now know whether Mr. Hines is in favor of a Commerce Court or not. I did not ask him whether he was in favor of it or not, and I did not care whether he was or not. I was interested only in the manner of transferring jurisdiction of the Commerce Court to the district courts, and as the Attorney General has sent his letter to me with the respectful and kindly request to consider the suggestions therein, and at that time having no idea of insisting upon passing the bill 1921, I thought it was my duty, and nothing but a proper respect for the Attorney General, to submit the bill No. 5611 to Mr. Hines for his suggestions, and I did so. He gave them, as stated in his letters which I have just read. I see nothing wrong in my connection with the matter from beginning to end.

Mr. Speaker, this morning in a newspaper of this city there was an article published, stating in effect that a communication had been sent to the Committee on the Judiciary calling attention to this matter and making suggestions that perhaps the committee on lobbying of the Senate ought to investigate this matter and ask me for all correspondence in regard to it. I thoroughly agree with anything that looks to publicity about anything, and I give now and here to the public all the letters and communications of every kind about this whole affair, and I hope everybody will read them in the RECORD in the morning. There is nothing in this correspondence to indicate whether Mr. Hines is in favor of the Commerce Court or not, and it would not make a particle of difference to me whether he was or not, and I only asked his opinion and suggestions out of a proper respect for the Attorney General of the United States, who is the law officer of the Government.

Mr. Speaker, I would like to have permission to place in the RECORD a copy of resolutions and bills which I have not had the time to read.

The SPEAKER. Is there objection to the gentleman's request? [After a pause.] The Chair hears none, and it is so ordered.

Mr. SIMS. Mr. Speaker, the first is the resolution adopted by the Democratic caucus:

Be it resolved, That it is the sense of this caucus that the Commerce Court be immediately abolished, during the present session, due care being taken at the same time to protect and provide for the jurisdiction now exercised by that court over pending and future litigation.

Second. The Committee on Rules is directed to bring into the House a rule making in order appropriate legislation for such purpose in any appropriation bill during the present session, whether incorporated in an original bill or by amendment, which amendment may be offered in Committee of the Whole House on the state of the Union or in the House as in Committee of the Whole or in the House itself, and although such appropriation bill may be considered under motion to suspend the rules.

The next resolution was introduced by Hon. W. C. ADAMSON and referred to the Rules Committee, authorizing the abolishment of the court and vesting the jurisdiction now exercised by the Commerce Court in the district courts of the United States, which reads as follows:

Resolution.

Resolved, That upon the adoption of this rule it shall be in order for the Committee on Appropriations to incorporate and report as a part of any appropriation bill, or for any Member, during the consideration of any appropriation bill, either in the House, although it may be on motion to suspend the rules, or in the House as in Committee of the Whole, or in the Committee of the Whole House on the state of the Union, to offer as an amendment to such appropriation bill the following provisions:

"That the Commerce Court, created and established by the act entitled 'An act to create a Commerce Court and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes,' approved June 18, 1910, be, and the same hereby is, abolished, and the jurisdiction vested in said Commerce Court by said act is hereby transferred to and vested in the several district courts of the United States: *Provided*, That the Commerce Court shall continue 60 days after the approval of this act for the purpose of considering, and so far as possible disposing of, cases already argued and submitted, but no new suit or case for any purpose shall be brought in said court.

"The venue of any suit hereafter brought to enforce, suspend, or set aside, in whole or in part, any order of the Interstate Commerce Commission shall be in the judicial district where some or all of the transportation covered by the order has either its origin or destination, except that where the order does not relate to transportation the venue shall be in the district where the matter complained of in the petition before the commission arises, and except that where the order does not relate either to transportation or to a matter so complained of before the commission the matter covered by the order shall be deemed to arise in the district where one of the petitioners in court has either its principal office or its principal operating office. In case such transportation relates to a through shipment the term 'destination' shall be construed as meaning final destination of such shipment.

"The procedure in the district courts in respect to cases of which jurisdiction is conferred upon them by this act shall be the same as that heretofore prevailing in the Commerce Court. The orders, writs, and processes of the district courts may in these cases run, be served, and be returnable anywhere in the United States; and the right of appeal from the district courts in such cases shall be the same as the right of appeal heretofore prevailing under existing law from the Commerce Court. No preliminary injunction or restraining or stay order suspending the enforcement, operation, or execution of, or setting aside, in whole or in part, any order made or entered by the Interstate Commerce Commission shall be issued or granted by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, unless the application for the same shall be presented to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a circuit judge, and unless a majority of said three judges shall concur in granting such application. When such application as aforesaid is presented to a judge, he shall immediately call to his assistance to hear and determine the application two other judges. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the Interstate Commerce Commission, to the Attorney General of the United States, and to such other persons as may be defendants in the suit. The hearing upon such application shall be given precedence, and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting, after notice and hearing, a preliminary injunction, or restraining or stay order, in such case if such appeal be taken within 30 days after such preliminary injunction or restraining order or stay order is granted, and upon the final hearing of any suit brought to suspend or set aside, in whole or in part, any order of said commission the same requirement as to judges and the same procedure as to expedition and appeal shall apply. A final judgment or decree of the district court may be reviewed by the Supreme Court of the United States if appeal to the Supreme Court be taken by an aggrieved party within 60 days after the entry of such final judgment or decree, and such appeals may be taken in like manner as appeals are taken under existing law from the Commerce Court to the Supreme Court. The provisions of this section shall also apply to the issuing and granting of preliminary injunctions and restraining or stay orders suspending the enforcement, operation, or execution of, or setting aside, orders made by any administrative board or commission created by and acting under the statute of a State. And in such case the notice required shall be served upon the defendants in the case and upon the attorney general of the State. All cases pending in the Commerce Court at the date of the passage of this act shall be deemed pending in and be transferred forthwith to said district courts, except cases which may previously have been submitted to that court for final decree. Each of said cases and all the records, papers, and proceedings shall be transferred to the district court wherein it might have been filed at the time it was filed in the Commerce Court if this act had then been in effect; and if it might have been filed in any one of two or more district courts it shall be transferred to that one of said district courts which may be designated by the petitioner or petitioners in said case, or, upon failure of said petitioners to act in the premises within 10 days after the passage of this act, to such one of said district courts as may be designated by the judges of the Commerce Court. The judges of the Commerce Court shall have authority, and are hereby directed, to make any and all orders and to take any other action necessary to transfer as aforesaid the cases and all the records, papers, and proceedings then pending in the Commerce Court to said district courts.

"Any case hereafter remanded from the Supreme Court which but for the passage of this act would have been remanded to the Commerce Court shall be remanded to a district court designated by the Supreme Court wherein it might have been instituted at the time it was instituted in the Commerce Court if this act had then been in effect, and thereafter such district court shall take all necessary and proper proceedings in such case in accordance with law and such mandate, order, or decree therein as may be made by said Supreme Court.

"That all laws or parts of laws inconsistent with this act are repealed."

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read as follows:

An act (S. 2272) providing for an increase in the number of midshipmen at the United States Naval Academy after June 30, 1913.

Be it enacted, etc., That after June 30, 1913, and until June 30, 1919, there shall be allowed at the Naval Academy 2 midshipmen for each Senator, Representative, and Delegate in Congress, 1 for Porto Rico, 2 for the District of Columbia, and 10 appointed each year at large: *Provided*, That midshipmen on graduation shall be commissioned ensigns in the Navy, or may be assigned by the Secretary of the Navy to fill vacancies in the lowest commissioned grades of the Marine Corps or Staff Corps of the Navy.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. PADGETT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asked to have a letter read.

Mr. PADGETT. Yes. I will ask that it be just inserted in the RECORD as read.

The SPEAKER. Is there objection to the gentleman's request? [After a pause.] The Chair hears none, and it is so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. 1917) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 103. Joint resolution appropriating $4,000 to defray traveling expenses of soldiers of the Civil War, now residing in the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 103. Joint resolution appropriating $4,000 to defray traveling expenses of soldiers of the Civil War, now residing in the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call up the conference report on the bill H. R. 1917, the Indian appropriation bill, and ask that the statement be read in lieu of the report. The statement is short.

The SPEAKER. Without objection, the accompanying statement will be read in lieu of the report.

There was no objection.

The statement was read.

[For full text of conference report and accompanying statement, see House proceedings of June 26, 1913, p. 2187.]

Mr. MANN. Mr. Speaker, I should like to make an inquiry about some of these amendments.

Mr. STEPHENS of Texas. Which is the amendment that the gentleman desires to inquire about?

Mr. MANN. Amendment No. 11, proposing to have a joint commission, which I refer to respectfully as the joint commission to investigate Indian affairs, but if I referred to it without respect I should call it another congressional junketing committee.

I notice there are two of them provided for in this bill. The Committee on Indian Affairs are a great committee. Will they have the opportunity this summer to run two of these traveling committees?

Mr. STEPHENS of Texas. I will state to the gentleman that it is not the intention of making these committees junketing committees, but working committees.

Mr. MANN. That evidently is the intention. There is nothing else that can be done under this.

Mr. STEPHENS of Texas. The gentleman has overlooked the fact that the joint special committee to investigate the New Mexico sanitarium and the Yakima irrigation project must report before the 1st of January, 1914. The life of the other joint general Indian investigating committee runs during this Congress.

Mr. MANN. I have not overlooked that fact. That has nothing to do with the question I submitted, but I know that.

Mr. STEPHENS of Texas. The duties of these joint investigating committees are entirely different.

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. The first one is a special investigating committee to investigate the New Mexico and Yakima propositions only. That was carried in the original bill; if the gentleman will yield a moment——

Mr. MANN. Certainly. I am yielding for information.

Mr. STEPHENS of Texas. I think I can make it plain to the gentleman. That provision was for the purpose of investigating the $1,800,000——

Mr. MANN. That was to investigate the Yakima proposition.

Mr. STEPHENS of Texas. Yes; the Yakima irrigation project and also the New Mexico Tuberculosis Sanitarium proposition was carried in the original bill——

Mr. MANN. It was not carried in the original bill as reported to the House at the last session, but was added as a Senate amendment or in conference.

Mr. STEPHENS of Texas. It was added last year in the Senate and agreed to in conference.

Mr. MANN. It was one of the Senate amendments.

Mr. STEPHENS of Texas. Yes; and the House agreed to it, and it was a part of the bill. This bill contained that provision when it went to the Senate from the House. We made the latter part of the amendment for the purpose of investigating the question of appropriating $1,800,000 for the Yakima irrigation project. It is necessary to furnish to these Indians the water that they have had time out of mind for the purpose of irrigating part of their reservation.

The other proposition was to build a sanitarium for Indians suffering from tuberculosis, or the white plague, in the United States, and it was thought that New Mexico was the proper place to locate this sanitarium.

The Senate inserted the other proposition authorizing the joint commission of three members of each of the two Committees on Indian Affairs in this Congress to investigate every phase or proposition relative to the Indians named in the resolution.

The general investigating committee is required to report during the Sixty-third Congress. These are separate propositions, one a House, the other a Senate proposition. One is to investigate two special objects, and was provided for in the bill which was passed last winter. The other is a Senate proposition, for a general investigation of Indian matters.

Mr. MANN. What I said is still true, that there is a proposition in this bill now for two separate commissions to travel over the country.

Mr. STEPHENS of Texas. Two investigations are necessary.

Mr. MANN. That is correct.

Mr. STEPHENS of Texas. Will the gentleman permit me to explain the reason why?

Mr. MANN. I thought the gentleman had been doing that; but I am always willing to hear my instructive friend from Texas.

Mr. STEPHENS of Texas. If the gentleman will yield, I think I have fully explained the first matter that I referred to.

With reference to the second, the Indian reservations are scattered all over the western part of the United States. It is impossible for our committee to legislate intelligently upon these matters when the Indians are so far away from us, and it is necessary to send a committee there to learn at first-hand their actual condition and desires.

Mr. MILLER. Will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. MILLER. There are two commissions provided for by this conference report—one is for a commission of three Members of the House and three from the Senate, and the other is for a commission of two Members of the House and two from the Senate. I heartily concur in what the chairman has just stated, that the location of the Indians and the property being so far from Washington and so little known, intelligent legislation respecting both the property and the Indians can not be had without some investigation. Does the gentleman think that the balance of the Indian committee is pure surplusage, and that the end can be obtained by having two commissions when the committee stands at 21?

Mr. STEPHENS of Texas. I do not presume the same men would be put on the two commissions. One would investigate the two special purposes, and the other would be a general committee to extend during the life of the Congress. The Indians have $800,000,000 of property scattered all over the country, and to intelligently legislate on these matters we should have a general investigation by the two Houses jointly, investigating these Indian affairs and then reporting back to the House.

Mr. MILLER. What is the reason we investigate the need and maintenance of a tuberculosis hospital in New Mexico? I should think if there was any one subject that the committee could legislate upon without a personal investigation that would be the one. Why was that selected, instead of some of the large and insistent questions relating to irrigation of lands in Arizona, for instance, and the Blackfoot question in Montana?

Mr. STEPHENS of Texas. The Indian population of New Mexico and Arizona located on the Navajo Reservation and the Mescalero and Apache Indians and various scattered bands elsewhere will amount to possibly 40,000 in numbers. It was not contemplated by the Senate amendment to build a sanitarium on the Rio Grande, but to build it in the White Mountains, on this side of the Rio Grande.

Let me state further that Fort Wingate, which is situated near the line between Arizona and New Mexico, was abandoned several years ago and is no longer in use by the Army. This property is worth at least one-half a million dollars. It was used by five companies of Cavalry. I think we could use this fort and the valuable military reservation on which it is located for this hospital and also for the purpose of locating thereon an Indian school. It is on the edge of the Navajo Reservation and near the center of a very large Indian population, where there is more need of a hospital than at any other point in these States.

Mr. MILLER. It is not contemplated for a general commission to go to New Mexico to secure information which the gentleman has given us and which seems ample?

Mr. STEPHENS of Texas. Yes; but I will further state that Fort Stanton, on the eastern side of the Rio Grande, has been used a number of years for the purpose of a sanitarium for the tuberculosis patients of the Navy. They have been successfully treated there and we have spent at least $250,000 on that hospital.

This fort, if abandoned, will make an excellent sanitarium. Which of these two forts or military reservations will be the best for the sanitarium is a question which Congress must settle. The Senate adopted the amendment of putting it in the White Mountains or Mescalero Reservation and starting a new sanitarium entirely. The amendment further proposes to build a road from the railroad to this point, but the House conferees objected to that Senate amendment because, as I have stated, we have half a million dollars' worth of abandoned property at the two forts I have named, and we should use these buildings and lands. Therefore your committee thought it was best to investigate the matter before we agreed to build a new sanitarium.

Mr. MILLER. I want to state that I have no objection or criticism upon securing information for the committee to enable it to transact its business intelligently. I think the Indian Committee needs all the information it can possibly get and never will get enough; but what I do emphasize strongly is that I think there has been selected two rather inconsequential and vague subjects on which to secure information when there are a large number of vitally important ones that could more properly engage the attention of the committee and of the investigators. For instance, it seems to me that the matter of irrigating Indian lands ought to receive a rigid and searching inquiry by a proper committee of this House, and probably by the Indian Committee, or by some members of it, and to pass that by and select these others seems to me rather inconsequential.

Mr. STEPHENS of Texas. If the gentleman will read the report providing for the general committee, he will find that they have power to report all of these matters.

Mr. MILLER. If that is true, does the gentleman think that two or three members of the committee can possibly secure information to leaven the rest of the committee?

Mr. STEPHENS of Texas. I do not quite understand the gentleman.

Mr. MILLER. If that is true, that the whole range of those subjects is to be investigated, does the gentleman think that two or three members going abroad and securing this information would be sufficient to leaven the whole 19 members who do not have the privilege of going? In other words, is the committee large enough to do any good?

Mr. STEPHENS of Texas. Does not the gentleman think a joint committee of the two Houses would be better than a committee of one House?

Mr. MILLER. I do; but I think a joint committee of two or four on a subject of this magnitude is inadequate.

Mr. STEPHENS of Texas. There would be six, I believe, on the general committee, three on the part of the House and three on the part of the Senate, and four on the other, and it was the opinion of the conference committee that that would be sufficient.

Mr. MANN. Mr. Speaker——

Mr. STEPHENS of Texas. How much time does the gentleman desire?

Mr. MANN. I believe I have the floor.

Mr. STEPHENS of Texas. I did not intend to yield the floor.

Mr. MANN. The gentleman did not take the floor. The Speaker was putting the question upon the conference report, and I did take the floor. If the gentleman has the time, I have no objection, but I supposed that I had the floor.

The SPEAKER. As a matter of fact, the gentleman from Illinois did get possession of the floor.

Mr. STEPHENS of Texas. Then, of course, he has one hour.

Mr. MANN. I shall not unduly delay the consideration of the conference report. I am willing to yield it to the gentleman from Texas.

I wish to submit an observation or two concerning this bill. The Indian appropriation bill passed the House in the last Congress and passed the Senate in the last Congress with a lot of Senate amendments and went to conference. It was agreed upon in conference, and in the Senate the conference report was not agreed to because of some reason to which I shall not refer. The sentiment of the Senate was in favor of agreeing to the conference report as was the sentiment of the House. Undoubtedly if it had not been at so late a day in the session the conference report would have been agreed to.

At this session of Congress, it being customary to pass the appropriation bills for the next ensuing fiscal year at the short session of the last Congress, we generally agreed to repass the Indian appropriation bill as the conference committee had agreed to it in the last House. The minority made no objection. The bill was never read for amendment. It was never open for discussion except for 20 minutes, I believe, on a side, and good faith on the part of the Senate should have required the Senate not to add on a lot of Senate amendments. The House had already agreed in the form of its former conference report to a great many Senate amendments. The House and the Senate conferees had split their disagreements and brought in one conference report, and when the House at this session of Congress passed this Indian appropriation bill in the form of a conference report in the last House, the House was accepting a lot of Senate propositions that the House never favored by way of ordinary compromise which necessarily comes in conference. Thereupon the bill went to the Senate and with a hoggishness that ought to receive some criticism, the Senate took advantage of the situation to add on a lot of new Senate amendments and then insist that in conference again the House and Senate conferees should split their differences and agree to a part of the Senate amendments in compromise.

What have we now brought before the House? Though not first in order, there is amendment No. 51, providing for a junketing trip, that was carried in the House bill as it passed the House, although it was not a House proposition. That sends four distinguished gentlemen out to Washington at the expense of the Government. To visit Washington is a liberal education to any man, and it may be desirable for these gentlemen to go there and have a pleasant time, going up to Mount Tacoma, or some other place, enjoying themselves. And in order to insure that they have a long trip they have to make it by way of New Mexico.

Mr. MONDELL. And the Grand Canyon.

Mr. MANN. Going one way or the other. They go over the Canadian Pacific one way and come down over the Atchison, Topeka & Santa Fe, I suppose, the other way—the longest possible way around. That is what they used to say when I was a boy when you went to see your girl, that the longest way around was the shortest way home. [Applause.]

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. In just a moment; I would like to complete the statement. Now, the Senate having secured that provision in the bill as it passed the House by way of compromise last session, they then proceeded to stick in another junketing trip. We have a House Committee on Indian Affairs. The Senate has a Senate Committee on Indian Affairs. We have a House Committee on Expenditures in the Interior Department. The Senate has a Senate Committee on Expenditures in the Interior Department. These expenditures committees have a right to make a thorough investigation of everything in the department, and the House Committee on Expenditures has been attempting to make such an investigation into the Interior Department relating to Indians and other services. Now, what does this new junketing committee provide for?

> For the purpose of making thorough inquiry into the conditions in the Indian service, with a view to ascertaining any and all facts relating to the conduct and management of the Bureau of Indian Affairs and of recommending such changes in the administration of Indian affairs as would promote the betterment of the service and the well-being of Indians, that there shall be constituted a commission, etc.

This is one of the duties of the Committee on Indian Affairs of the House and of the Senate, and if the entire 21 members of the Committee on Indian Affairs of the House will conduct hearings on this subject they will know a great deal more than they will ever learn by appointing three members of the committee.

A committee of this House which desires to deal with the great problems before it ought to sit as a full committee and have hearings before the committee and not undertake to leave to three members as a subcommittee the question of determining into the conditions of the Indian service with a view of recommending changes in the Bureau of Indian Affairs.

Mr. CULLOP. Will the gentleman yield?

Mr. MANN. I yield to my distinguished friend from Indiana.

Mr. CULLOP. Do I understand the gentleman from Illinois to advocate a committee of 21 Members of the House, the full committee of the House, to make this investigation?

Mr. MANN. I am advocating that a committee of 21 Members of the House make the investigation, sitting in its committee room here in Washington, where it ought to be made.

Mr. CULLOP. I would like to ask the gentleman another question.

Mr. MANN. Certainly.

Mr. CULLOP. So far as the second proposition of this amendment is concerned, could not some officer from the Interior Department be detailed to make this investigation and report the facts to the committee better than the committee of Congress sending out to do it?

Mr. MANN. Well, I will not say they can make it better than a committee of Congress, but that is the business of the Commissioner of Indian Affairs and of the Indian Office, that is the duty of the Secretary of the Interior, that is what they have a large number of special employees for—to make recommendations to Congress to be passed upon by the full committee and then by the House itself.

Mr. CULLOP. Now, would not the work involved under this amendment be such that Members of Congress who go upon the committee would not be prepared to do, and that it could be better done by some person from the Indian Office who is skilled in this line of work?

Mr. MANN. Well, of course, without making any reflection whatever upon the intelligence and ability of the Committee on Indian Affairs, and there is no higher standing committee in intelligence and ability in the House than that committee, it is safe to say that they must rely largely upon the judgment of the men expert in the Office of Indian Affairs who deal with these questions constantly. This commission is directed—

to examine into the conduct and management of the Bureau of Indian Affairs and all its branches and agencies, their organization and administration. The commission shall have power and authority to examine all books, documents, and papers in the said Bureau of Indian Affairs, its branches or agencies, relating to the administration of the business of said bureau, and shall have power to subpœna witnesses, etc.

The Committee on Indian Affairs has practically all this power now. The Committee on Expenditures in the Interior Department has this power now. What is the object in appointing these gentlemen, who, I know, personally do not seek the appointment? With Congress in session until December at this special session, with a long session of Congress next summer running until August, and then with a political campaign coming on for reelection in November, there is not a great deal of time left for members of the committee to do this work unless they leave Washington while the House is in session.

In the last Congress it became the habit of a lot of the new committees as newly constituted to go away from Washington in order to conduct investigations. I do not believe that will become a habit in this House. I do not think we will permit it if we can avoid it, because many times in the last Congress where there was no quorum present it was largely because of many Members who were away from Washington on the theory that they were attending to public business, although that was not often the fact.

Mr. Speaker, following this amendment are amendments numbered 11½ and 11¾.

Mr. GARNER. Before the gentleman goes to that I would like to ask out of what fund and what amount of money is appropriated for this committee?

Mr. MANN. Twenty-five thousand dollars out of the Treasury. It was $50,000 in the Senate amendment, and the House conferees had it reduced to $25,000, although how they will spend that amount is beyond my knowledge. They ought to be able to make a good many trips for $25,000.

Now, here are amendments numbered 11½ and 11¾. I will give a prize to any Member of this body or any other legislative body who will inform me how a Senate amendment, coming from the Senate to the House, can get a number of 11½ or 11¾. Amendments are not numbered when they are agreed to. They are not numbered until they are sent from the Senate to the House. How do you manage to get an amendment numbered 11½ and another numbered 11¾?

And that brings me to the remark that I really wanted to make on this subject. We were told that the Democrats in the House who distributed the "pie" in the last Congress are now up against the proposition to redistribute the "pie" so as to take care of the new Members of Congress. I sympathize with the new Members of Congress on the subject. I do not blame them for wanting a portion of the patronage of the House if they can get it.

But I hope that the new Members on the Democratic side, as well as the old Members, will remember that efficiency in the House demands that some of the old employees of the House be retained. And one of the most efficient employees of this House to-day is the engrossing clerk of the House. He comes from a district which I believe is now represented by a Republican, and I suppose his sponsor, having failed of reelection, or anybody having failed to come as a Democrat from the district, that this capable employee, who prevents more errors than any other employee of the House, will get it "where the chicken got the ax." You do not care over there, in the main, for efficiency. This error was not made by a House employee. I do not know what Senate employee may have made it. They have a Democratic majority there, and some new men in the Senate, and it is possible that a new employee made the error.

Mr. STEPHENS of Texas. These are Senate amendments and numbered by the Senate.

Mr. MANN. I beg the gentleman's pardon. The Senate does not number amendments, and neither does the House.

Mr. MONDELL. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. MONDELL. Has the gentleman happened to read the RECORD as to what was done with this bill in the Senate yesterday? It was twice withdrawn on account of errors.

Mr. MANN. Yes; the list of errors in connection with this bill and the Indian bill of the last session of Congress would fill nearly a volume. I called attention to them several times in the last Congress. Items were sent to the Senate in the Indian bill, as being in the bill, that were stricken out in the House. There were many and manifold errors. Those employees who have made good in the House should be kept. I was sorry when the present enrolling clerk was appointed, because he succeeded one of the best clerks that was ever around any legislative body. In following many of these bills through, I frequently have to obtain information from the enrolling clerk. I have found him to be a very intelligent and a very careful employee, and I am going to invite him to be a Republican when he gets fired by the Democrats of the House.

Now, as to amendment No. 35, I notice that the House conferees have reduced the amount of interest to be paid by the Government from 5 per cent to 4 per cent. Now, where we are obliged by treaty with the Indians to take money on deposit with the Government and pay interest at 4 or 5 per cent, I can see a reason for that; but why should we voluntarily take the money from the Indians on sale of property in this way and then pay a rate of interest far higher than the Government can obtain money for? And why do even more than that? You will probably deposit this money in the banks in Oklahoma at 2 per cent, and then the Government will pay the people of Oklahoma 4 per cent for money which they take as a favor to the people on deposit in their banks at 2 per cent.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. MANN. Yes.

Mr. GARNER. Is this a new provision providing for the payment of interest, or has interest been paid like this on some occasions heretofore?

Mr. MANN. This is a new provision.

Mr. GARNER. What has been the rate heretofore?

Mr. MANN. We have been paying 4 or 5 per cent.

Mr. GARNER. The gentleman is indicting his own administration.

Mr. MANN. Oh, not at all. The gentleman from Texas is in error.

Mr. GARNER. I was asking the gentleman a question.

Mr. MANN. Usually these treaty agreements follow an arrangement which has been made with an Indian tribe with reference to the sale of property.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. MANN. I do.

Mr. STEPHENS of Texas. The proceeds of all of these lands drew 4 per cent, and that is the reason why we have changed it from 5 per cent to 4 per cent. There was a reservation which was sold where the proceeds drew 5 per cent.

Mr. MANN. I do not think the gentleman will find any treaty that provides that these lands shall be sold by the Government, and that all over $1.25 an acre shall be deposited with the Government at 4 per cent or any other rate of interest. Where we are not required to by any obligation, I do not see why we should be obliged to pay 4 per cent interest on money which we turn around and deposit in Oklahoma banks at 2 per cent. Perhaps we do not get that much.

Mr. STEPHENS of Texas. That is in the control of the Secretary of the Interior. That money is in his charge, and he is authorized to deposit it.

Mr. MANN. That is not under the control of the Secretary of the Interior except as we pass legislation providing for it. It is only under his control as he is required to do it by legislation.

Mr. Speaker, I do not care to occupy any more time.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

ADDITIONAL JUDGE, EASTERN DISTRICT OF PENNSYLVANIA.

Mr. CLAYTON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania, with Senate amendments.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 32, which the Clerk will report.

The Clerk read the bill by its title, as follows:

An act (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Alabama [Mr. CLAYTON] that the House resolve itself into Committee of the Whole House on the state of the Union to consider the Senate amendments to the bill H. R. 32.

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. CLAYTON. A division, Mr. Speaker.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks for a division. Those in favor of the motion will rise and stand until they are counted. [After counting.] Fifty Members have arisen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Eleven gentlemen have arisen in the negative.

Mr. CULLOP. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. On this vote the ayes are 50 and the noes are 11, and——

Mr. CLAYTON. Mr. Speaker, I move a call of the House.

Mr. MANN. You can not do that.

The SPEAKER. There is an automatic call.

Mr. CLAYTON. If I can get it, an automatic call will suit me just as well as any other.

Mr. MANN. You can not get a quorum to-day.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

Mr. MANN. Mr. Speaker, I move that the House adjourn.

The SPEAKER. The gentleman from Illinois [Mr. MANN] moves that the House do now adjourn. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks for a division. Those in favor of the motion to adjourn will rise and stand until they are counted. [After counting.] Nineteen gentlemen have arisen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Fifty-three gentlemen have arisen in the negative. On this vote the ayes are 19 and the noes are 53.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays. We may just as well have the yeas and nays on this motion as on any other.

The SPEAKER. The gentleman from Illinois demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Sixteen in the affirmative.

Mr. CLAYTON. The other side.

The SPEAKER. The gentleman from Alabama demands the other side. Those opposed to ordering the yeas and nays will rise and stand until they are counted. [After counting.] Sixty-one. Sixteen are sufficient. The yeas and nays are ordered. The question is on the motion to adjourn.

The question was taken; and there were—yeas 26, nays 150, answered "present" 4, not voting 249, as follows:

YEAS—26.

Barton	Davis, Minn.	Knowland, J. R.	Sinnott
Bell, Cal.	Falconer	La Follette	Stephens, Cal.
Britten	Hawley	Mondell	Willis
Bryan	Helgesen	Morgan, Okla.	Woods
Burke, S. Dak.	Hinds	Platt	Young, N. Dak.
Campbell	Johnson, Utah	Roberts, Nev.	
Cullop	Kahn	Scott	

NAYS—150.

Abercrombie	Dixon	Kent	Shreve
Adair	Doolittle	Kettner	Sims
Aiken	Doughton	Key, Ohio	Sisson
Alexander	Dupré	Kirkpatrick	Small
Austin	Dyer	Kitchin	Smith, Md.
Baker	Eagle	Lesher	Smith, Tex.
Barkley	Edmonds	Lewis, Md.	Sparkman
Barnhart	Estopinal	Lieb	Stanley
Beakes	Evans	Lindbergh	Stedman
Blackmon	Farr	Lloyd	Stephens, Miss.
Booher	Ferris	McCoy	Stephens, Tex.
Borland	Fitzgerald	Maguire, Nebr.	Stone
Brockson	FitzHenry	Mapes	Stout
Brown, N. Y.	Flood, Va.	Miller	Stringer
Brown, W. Va.	Foster	Mitchell	Sumners
Brumbaugh	Fowler	Morgan, La.	Taggart
Buchanan, Ill.	French	Murray, Okla.	Talcott, N. Y.
Burnett	Garner	Nolan, J. I.	Tavenner
Byrns, Tenn.	Garrett, Tenn.	Oldfield	Taylor, Ala.
Callaway	Garrett, Tex.	Padgett	Taylor, Ark.
Caraway	Gilmore	Page	Taylor, Colo.
Carlin	Gittins	Palmer	Temple
Carr	Gocke	Phelan	Thomas
Carter	Graham, Ill.	Post	Thomson, Ill.
Chandler, N. Y.	Gregg	Pou	Tribble
Church	Hamlin	Quin	Tuttle
Clancy	Hardy	Ragsdale	Underhill
Clayton	Helm	Raker	Walsh
Collier	Henry	Rauch	Watkins
Copley	Hensley	Rayburn	Watson
Cox	Holland	Roddenbery	Weaver
Crisp	Houston	Rouse	Webb
Crosser	Hughes, Ga.	Rubey	Whaley
Curry	Hull	Rupley	Wingo
Davis, W. Va.	Igoe	Russell	Witherspoon
Deitrick	Jacoway	Seldomridge	The Speaker
Dent	Johnson, Ky.	Shackleford	
Dickinson	Kelly, Pa.	Sherley	

ANSWERED "PRESENT"—4.

Adamson	Bartlett	Underwood	Vaughan

NOT VOTING—249.

Ainey	Fairchild	Kennedy, Iowa	Pepper
Allen	Faison	Kennedy, R. I.	Peters
Anderson	Fergusson	Kiess, Pa.	Peterson
Ansberry	Fess	Kindel	Plumley
Anthony	Fields	Kinkaid, Nebr.	Porter
Ashbrook	Finley	Kinkead, N. J.	Powers
Aswell	Floyd, Ark.	Konop	Prouty
Avis	Fordney	Korbly	Rainey
Bailey	Francis	Kreider	Reed
Barchfeld	Frear	Lafferty	Reilly, Conn.
Bartholdt	Gallagher	Langham	Reilly, Wis.
Bathrick	Gard	Langley	Richardson
Beall, Tex.	Gardner	Lazaro	Riordan
Bell, Ga.	George	Lee, Ga.	Roberts, Mass.
Borchers	Gerry	Lee, Pa.	Rogers
Bowdle	Gillett	L'Engle	Rothermel
Bremner	Glass	Lenroot	Rucker
Brodbeck	Godwin, N. C.	Lever	Sabath
Broussard	Goldfogle	Levy	Saunders
Browne, Wis.	Good	Lewis, Pa.	Scully
Browning	Goodwin, Ark.	Lindquist	Sells
Bruckner	Gordon	Linthicum	Sharp
Buchanan, Tex.	Gorman	Lobeck	Sherwood
Bulkley	Goulden	Logue	Slayden
Burgess	Graham, Pa.	Lonergan	Slemp
Burke, Pa.	Gray	McAndrews	Sloan
Burke, Wis.	Green, Iowa	McClellan	Smith, Idaho
Butler	Greene, Mass.	McDermott	Smith, J. M. C.
Byrnes, S. C.	Greene, Vt.	McGillicuddy	Smith, Minn.
Calder	Griest	McGuire, Okla.	Smith, N. Y.
Candler, Miss.	Griffin	McKellar	Smith, Sami. W.
Cantrill	Gudger	McKenzie	Stafford
Carew	Guernsey	McLaughlin	Steenerson
Cary	Hamill	Madden	Stephens, Nebr.
Casey	Hamilton, Mich.	Mahan	Stevens, Minn.
Clark, Fla.	Hamilton, N. Y.	Maher	Stevens, N. H.
Claypool	Hammond	Manahan	Sutherland
Cline	Hardwick	Mann	Switzer
Connelly, Kans.	Harrison, Miss.	Martin	Talbott, Md.
Connolly, Iowa	Harrison, N. Y.	Merritt	Taylor, N. Y.
Conry	Haugen	Metz	Ten Eyck
Cooper	Hay	Montague	Thacher
Covington	Hayden	Moon	Thompson, Okla.
Cramton	Hayes	Moore	Towner
Curley	Heflin	Morin	Townsend
Dale	Helvering	Morrison	Treadway
Danforth	Hill	Moss, Ind.	Vare
Davenport	Hinebaugh	Moss, W. Va.	Volstead
Decker	Hobson	Mott	Walker
Dershem	Howard	Murdock	Wallin
Dies	Howell	Murray, Mass.	Walters
Difenderfer	Hoxworth	Neeley	Whitacre
Dillon	Hughes, W. Va.	Nelson	White
Donohoe	Hulings	Norton	Wilder
Donovan	Humphrey, Wash.	O'Brien	Williams
Dooling	Humphreys, Miss.	Oglesby	Wilson, Fla.
Doremus	Johnson, S. C.	O'Hair	Wilson, N. Y.
Driscoll	Johnson, Wash.	O'Leary	Winslow
Dunn	Jones	O'Shaunessy	Woodruff
Eagan	Keating	Parker	Young, Tex.
Edwards	Keister	Patten, N. Y.	
Elder	Kelley, Mich.	Patton, Pa.	
Esch	Kennedy, Conn.	Payne	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted "no."

So the motion to adjourn was rejected.

The Clerk announced the following pairs:
For the session:
Mr. UNDERWOOD with Mr. MANN.
Mr. SLAYDEN with Mr. BARTHOLDT.
Mr. SCULLY with Mr. BROWNING.
Mr. METZ with Mr. WALLIN.
Mr. HOBSON with Mr. FAIRCHILD.
Mr. BARTLETT with Mr. BUTLER.
Mr. ADAMSON with Mr. STEVENS of Minnesota.
Until further notice:
Mr. VAUGHAN with Mr. HAMILTON of New York.
Mr. RICHARDSON with Mr. ESCH.
Mr. PEPPER with Mr. SLOAN.
Mr. FRANCIS with Mr. FESS.
Mr. ALLEN with Mr. ANTHONY.
Mr. RAINEY with Mr. WINSLOW.
Mr. WILSON of New York with Mr. WILDER.
Mr. TALBOTT of Maryland with Mr. VOLSTEAD.
Mr. TOWNSEND with Mr. VARE.
Mr. WHITE with Mr. TREADWAY.
Mr. SHARP with Mr. TOWNER.
Mr. SABATH with Mr. SUTHERLAND.
Mr. ROTHERMEL with Mr. STEENERSON.
Mr. MURRAY of Massachusetts with Mr. J. M. C. SMITH.
Mr. REILLY of Connecticut with Mr. SMITH of Idaho.
Mr. PETERS with Mr. SLEMP.
Mr. MCCLELLAN with Mr. SELLS.
Mr. MOSS of Indiana with Mr. ROGERS.
Mr. LEVY with Mr. ROBERTS of Massachusetts.
Mr. MCANDREWS with Mr. PROUTY.
Mr. MOON with Mr. POWERS.
Mr. MONTAGUE with Mr. PORTER.
Mr. HAY with Mr. PLUMLEY.
Mr. HARRISON of New York with Mr. PATTON of Pennsylvania.
Mr. HARRISON of Mississippi with Mr. PARKER.
Mr. HARDWICK with Mr. NORTON.
Mr. HAMMOND with Mr. NELSON.
Mr. HAMILL with Mr. MOTT.
Mr. GUDGER with Mr. MOSS of West Virginia.
Mr. GRIFFIN with Mr. MORIN.
Mr. GRAY with Mr. MOORE.
Mr. KENNEDY of Connecticut with Mr. MERRITT.
Mr. JONES with Mr. MARTIN.
Mr. JOHNSON of South Carolina with Mr. MANAHAN.
Mr. HUMPHREYS of Mississippi with Mr. MADDEN.
Mr. HOWARD with Mr. MCLAUGHLIN.
Mr. HEFLIN with Mr. MCKENZIE.
Mr. HAYDEN with Mr. MCGUIRE of Oklahoma.
Mr. ELDER with Mr. LINDQUIST.
Mr. EDWARDS with Mr. LEWIS of Pennsylvania.
Mr. GORMAN with Mr. LENROOT.
Mr. GORDON with Mr. LANGHAM.
Mr. GOODWIN of Arkansas with Mr. KREIDER.
Mr. GOLDFOGLE with Mr. KINKAID of Nebraska.
Mr. GLASS with Mr. KIESS of Pennsylvania.
Mr. GERRY with Mr. KENNEDY of Rhode Island.
Mr. FERGUSSON with Mr. KENNEDY of Iowa.
Mr. DOOLING with Mr. KELLEY of Michigan.
Mr. GEORGE with Mr. KEISTER.
Mr. GALLAGHER with Mr. JOHNSON of Washington.
Mr. FLOYD of Arkansas with Mr. HUMPHREY of Washington.
Mr. FINLEY with Mr. HUGHES of West Virginia.
Mr. EAGAN with Mr. HOWELL.
Mr. DERSHEM with Mr. HAYES.
Mr. FIELDS with Mr. LANGLEY.
Mr. LEE of Georgia with Mr. HAUGEN.
Mr. DOREMUS with Mr. HAMILTON of Michigan.
Mr. DONOHOE with Mr. GUERNSEY.
Mr. DIFENDERFER with Mr. GRIEST.
Mr. DIES with Mr. GREENE of Vermont.
Mr. CURLEY with Mr. GREENE of Massachusetts.
Mr. COVINGTON with Mr. GREEN of Iowa.
Mr. CONRY with Mr. GRAHAM of Pennsylvania.
Mr. CLINE with Mr. GOOD.
Mr. GILLETT with Mr. CLAYPOOL.
Mr. CLARK of Florida with Mr. FREAR.
Mr. CANTRILL with Mr. FORDNEY.
Mr. CANDLER of Mississippi with Mr. DUNN.
Mr. BYRNES of South Carolina with Mr. DILLON.
Mr. BURKE of Wisconsin with Mr. DANFORTH.
Mr. BURGESS with Mr. CRAMTON.
Mr. BULKLEY with Mr. CARY.
Mr. BREMNER with Mr. COOPER.
Mr. BROUSSARD with Mr. CALDER.
Mr. BELL of Georgia with Mr. BURKE of Pennsylvania.
Mr. BATHRICK with Mr. BROWNE of Wisconsin.
Mr. BAILEY with Mr. BARCHFELD.
Mr. ASHBROOK with Mr. ANDERSON.
Mr. ANSBERRY with Mr. AINEY.
Mr. SAUNDERS with Mr. SWITZER.
Mr. REED with Mr. SMITH of Minnesota.
Mr. GODWIN of North Carolina with Mr. AVIS.
Mr. LEE of Pennsylvania with Mr. SAMUEL W. SMITH.
Mr. DALE with Mr. PAYNE.

Mr. COLLIER. Mr. Speaker, I voted "present" on the first roll call, as I have a general pair with the gentleman from Iowa, Mr. Woods, but he has just come in, and I desire to change my vote to "no."

Mr. BARTLETT. I desire to know whether the gentleman from Pennsylvania, Mr. BUTLER, has voted on this roll call.

The SPEAKER. He has not voted.

Mr. BARTLETT. Then I desire to change my vote from "no" to "present."

Mr. UNDERWOOD. Mr. Speaker, I desire to know if the gentleman from Illinois, Mr. MANN, has voted.

The SPEAKER. He has not.

Mr. UNDERWOOD. Mr. Speaker, I have a general pair with the gentleman from Illinois, and if he has not voted I desire to change my vote from "no" to "present."

Mr. VAUGHAN. I am paired with the gentleman from New York, Mr. HAMILTON. I voted "no." I desire to change my vote to "present."

The SPEAKER. On this vote the yeas are 26, the nays are 150, present 4—180 gentlemen present, not a quorum. It takes 216 for a quorum.

Mr. CULLOP. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Indiana moves that the House do now adjourn.

The question was taken, and the motion was lost.

The SPEAKER. The Clerk will now call the roll on the motion of the gentleman from Alabama [Mr. CLAYTON] to go into Committee of the Whole House on the state of the Union on the bill H. R. 32.

Mr. BARTLETT. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. The roll just having been called on a motion to adjourn, which developed the fact that no quorum is present, is there anything else in order except the call of the House?

The SPEAKER. That is just what this is, an automatic call of the House. Those in favor of going into Committee of the Whole House on the state of the Union will, when their names are called, answer "yes," and those opposed will answer "no," and the Sergeant at Arms will notify the absentees.

The question was taken; and there were—yeas 166, nays 12, answered "present" 5, not voting 245, as follows:

YEAS—166.

Abercrombie	Dickinson	Kettner	Seldomridge
Adair	Dixon	Kirkpatrick	Shackleford
Aiken	Doolittle	Kitchin	Sharp
Alexander	Doughton	Knowland, J. R.	Sherley
Austin	Dupré	La Follette	Shreve
Baker	Dyer	Lazaro	Sinnott
Barkley	Eagle	Lesher	Sisson
Barnhart	Edmonds	Lever	Small
Barton	Evans	Lewis, Md.	Smith, Md.
Beakes	Falconer	Lieb	Smith, Tex.
Bell, Cal.	Farr	Lindbergh	Sparkman
Blackmon	Fergusson	Lloyd	Stanley
Borland	Ferris	McCoy	Stedman
Britten	Fitzgerald	Maguire, Nebr.	Stephens, Cal.
Brockson	FitzHenry	Mapes	Stephens, Miss.
Brown, N. Y.	Flood, Va.	Miller	Stone
Brown, W. Va.	Fowler	Mitchell	Stringer
Brumbaugh	French	Mondell	Sumners
Buchanan, Ill.	Garner	Morgan, La.	Taggart
Burke, S. Dak.	Garrett, Tenn.	Morgan, Okla.	Talcott, N. Y.
Burnett	Garrett, Tex.	Moss, W. Va.	Tavenner
Byrns, Tenn.	Gilmore	Murray, Okla.	Taylor, Ala.
Campbell	Goeke	Nolan, J. I.	Taylor, Ark.
Candler, Miss.	Graham, Ill.	Padgett	Taylor, Colo.
Caraway	Gray	Page	Temple
Carlin	Gregg	Palmer	Thomas
Carter	Hamlin	Pepper	Thomson, Ill.
Chandler, N. Y.	Hardwick	Phelan	Towner
Church	Hardy	Post	Tribble
Clancy	Hawley	Pou	Underhill
Claypool	Helm	Powers	Walsh
Clayton	Henry	Quin	Watkins
Collier	Hensley	Ragsdale	Watson
Connelly, Kans.	Hinds	Raker	Weaver
Copley	Holland	Rauch	Webb
Cox	Houston	Rayburn	Whaley
Crisp	Hughes, Ga.	Roddenbery	Willis
Crosser	Hull	Rouse	Wingo
Curry	Igoe	Rubey	Witherspoon
Davis, W. Va.	Jacoway	Rupley	Woods
Deitrick	Kelly, Pa.	Russell	
Dent	Kent	Scott	

NAYS—12.

Booher	Cullop	Helgesen	Kinkaid, Nebr.
Bryan	Davis, Minn.	Johnson, Utah	Roberts, Nev.
Callaway	Gittins	Johnson, Wash.	Young, N. Dak.

ANSWERED "PRESENT"—5.

Adamson	Keating	Underwood	Vaughan
Bartlett			

NOT VOTING—245.

Ainey	Fairchild	Kennedy, R. I.	Platt
Allen	Faison	Key, Ohio	Plumley
Anderson	Fess	Kiess, Pa.	Porter
Ansberry	Fields	Kindel	Prouty
Anthony	Finley	Kinkead, N. J.	Rainey
Ashbrook	Floyd, Ark.	Konop	Reed
Aswell	Fordney	Korbly	Reilly, Conn
Avis	Foster	Kreider	Reilly, Wis.
Bailey	Francis	Lafferty	Richardson
Barchfeld	Frear	Langham	Riordan
Bartholdt	Gallagher	Langley	Roberts, Mass.
Bathrick	Gard	Lee, Ga.	Rogers
Beall, Tex.	Gardner	Lee, Pa.	Rothermel
Bell, Ga.	George	L'Engle	Rucker
Borchers	Gerry	Lenroot	Sabath
Bowdle	Gillett	Levy	Saunders
Bremner	Glass	Lewis, Pa.	Scully
Brodbeck	Godwin, N. C.	Lindquist	Sells
Broussard	Goldfogle	Linthicum	Sherwood
Browne, Wis.	Good	Lobeck	Sims
Browning	Goodwin, Ark.	Logue	Slayden
Bruckner	Gordon	Lonergan	Slemp
Buchanan, Tex.	Gorman	McAndrews	Sloan
Bulkley	Goulden	McClellan	Smith, Idaho
Burgess	Graham, Pa.	McDermott	Smith, J. M. C.
Burke, Pa.	Green, Iowa	McGillicuddy	Smith, Saml. W.
Burke, Wis.	Greene, Mass.	McGuire, Okla.	Smith, Minn.
Butler	Greene, Vt.	McKellar	Smith, N. Y.
Byrnes, S. C.	Griest	McKenzie	Stafford
Calder	Griffin	McLaughlin	Steenerson
Cantrill	Gudger	Madden	Stephens, Nebr.
Carew	Guernsey	Mahan	Stephens, Tex.
Carr	Hamill	Maher	Stevens, Minn.
Cary	Hamilton, Mich.	Manahan	Stevens, N. H.
Casey	Hamilton, N. Y.	Mann	Stout
Clark, Fla.	Hammond	Martin	Sutherland
Cline	Harrison, Miss.	Merritt	Switzer
Connolly, Iowa	Harrison, N. Y.	Metz	Talbott, Md.
Conry	Haugen	Montague	Taylor, N. Y.
Cooper	Hay	Moon	Ten Eyck
Covington	Hayden	Moore	Thacher
Cramton	Hayes	Morin	Thompson, Okla.
Curley	Heflin	Morrison	Townsend
Dale	Helvering	Moss, Ind.	Treadway
Danforth	Hill	Mott	Tuttle
Davenport	Hinebaugh	Murdock	Vare
Decker	Hobson	Murray, Mass.	Volstead
Dershem	Howard	Neeley	Walker
Dies	Howell	Nelson	Wallin
Difenderfer	Hoxworth	Norton	Walters
Dillon	Hughes, W. Va.	O'Brien	Whitacre
Donohoe	Hulings	Oglesby	White
Donovan	Humphrey, Wash.	O'Hair	Wilder
Dooling	Humphreys, Miss.	Oldfield	Williams
Doremus	Johnson, Ky.	O'Leary	Wilson, Fla.
Driscoll	Johnson, S. C.	O'Shaunessy	Wilson, N. Y.
Dunn	Jones	Parker	Winslow
Eagan	Kahn	Patten, N. Y.	Woodruff
Edwards	Keister	Patton, Pa.	Young, Tex.
Elder	Kelley, Mich.	Payne	
Esch	Kennedy, Conn.	Peters	
Estopinal	Kennedy, Iowa	Peterson	

The SPEAKER. On this call there are 166 yeas, 12 nays, present 5—183 Members present, not a quorum.

The Clerk announced the following additional pair:

Mr. FAISON with Mr. KAHN.

ADJOURNMENT.

Mr. CLAYTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 42 minutes p. m.) the House adjourned until to-morrow, Saturday, June 28, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of channel from Chesapeake Bay to Tangier, Va. (H. Doc. No. 107); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of preliminary examination of Suwanee River, Fla. (H. Doc. No. 108); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports of examination and survey of Baudette River and Harbor, Minn. (H. Doc. No. 109); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of Shelter River, N. C. (H. Doc. No. 110); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of Petaluma Creek, Cal., with a view to securing increased depth at the mouth in San Pablo Bay (H. Doc. No. 118); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of preliminary examination and plan and estimate of cost of improvement of Skamokawa Creek, Wash. (H. Doc. No. 111); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

7. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Meherrin River, N. C., from its mouth to the head of navigation (H. Doc. No. 112); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

8. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Siuslaw River, Oreg., from Florence to Acme (H. Doc. No. 113); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

9. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion in the case of Charles H. Rippey *v.* The United States (H. Doc. No. 114); to the Committee on War Claims and ordered to be printed.

10. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion in the case of John Walker *v.* The United States (H. Doc. No. 115); to the Committee on War Claims and ordered to be printed.

11. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion in the case of James S. Graham *v.* The United States (H. Doc. No. 116); to the Committee on War Claims and ordered to be printed.

12. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion in the case of Francisca Bale, widow of Edward T. Bale, deceased, *v.* The United States (H. Doc. No. 117); to the Committee on War Claims and ordered to be printed.

13. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion in the case of Henry S. Beidler *v.* The United States (H. Doc. No. 119); to the Committee on War Claims and ordered to be printed.

14. A letter from the Secretary of the Treasury, transmitting a letter from the Postmaster General requesting that the unexpended balance of the two appropriations of $750,000 each, made by the acts approved August 24, 1912, and March 4, 1913, for the parcel-post service be reappropriated and made available for use during the fiscal year ending June 30, 1914 (H. Doc. No. 106); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DAVIS of West Virginia: A bill (H. R. 6534) to provide an exclusive remedy and compensation for accidental injuries resulting in disability or death to employees of common carriers by railroads engaged in interstate or foreign commerce or in the District of Columbia, and for other purposes; to the Committee on the Judiciary.

By Mr. MORGAN of Louisiana: A bill (H. R. 6535) for the erection of a Federal building at Bogalusa, La.; to the Committee on Public Buildings and Grounds.

By Mr. MOSS of West Virginia: A bill (H. R. 6536) to provide a site and erect a public building at Ripley, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. CARTER: A bill (H. R. 6537) to expedite the final settlement of the affairs of the Five Civilized Tribes of Indians in Oklahoma; to the Committee on Indian Affairs.

Also, a bill (H. R. 6538) relating to inherited estates in the Five Civilized Tribes in Oklahoma; to the Committee on Indian Affairs.

By Mr. BARNHART: A bill (H. R. 6539) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications; to the Committee on Printing.

By Mr. COOPER: Memorial of the Legislature of the State of Wisconsin, memorializing Congress to amend section 5219 of the Revised Statutes of the United States relative to the taxation by the several States of shares of stock in national bank associations; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 6540) for the relief of David Leonard; to the Committee on Military Affairs.

By Mr. FESS: A bill (H. R. 6541) granting a pension to Mary L. Nash; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 6542) granting an increase of pension to John K. McBain; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 6543) for the relief of H. B. Howard; to the Committee on War Claims.

Also, a bill (H. R. 6544) granting a pension to Jicie B. Smith; to the Committee on Invalid Pensions.

By Mr. REILLY of Connecticut: A bill (H. R. 6545) granting an increase of pension to Julia M. Smith; to the Committee on Invalid Pensions.

By Mr. RUPLEY: A bill (H. R. 6546) granting an increase of pension to Margaret Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6547) granting an increase of pension to Christianne C. Mentzer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6548) granting an increase of pension to John E. Frymier; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 6549) granting a pension to Elizabeth A. Shull; to the Committee on Pensions.

Also, a bill (H. R. 6550) granting a pension to Daniel J. Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6551) granting a pension to John Prater; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6552) granting a pension to Thomas W. Botkin; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 6553) for the relief of William Force; to the Committee on Claims.

Also, a bill (H. R. 6554) for the relief of Maria N. Kulicke; to the Committee on Claims.

Also, a bill (H. R. 6555) granting a pension to Matthew F. Whitcomb; to the Committee on Pensions.

Also, a bill (H. R. 6556) granting a pension to Mary J. Nelms; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6557) granting a pension to Elizabeth A. Sheridan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6558) granting a pension to Margaret McCafferty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6559) granting an increase of pension to Dennis P. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6560) granting an increase of pension to George D. Wilson; to the Committee on Invalid Pensions.

By Mr. WALLIN: A bill (H. R. 6561) for the relief of Cathrine E. Morris; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROWN of New York: Petition of the Sag Harbor Yacht Club and the Sag Harbor (N. Y.) Board of Trade, favoring the retention of Sag Harbor as a port of entry; to the Committee on Ways and Means.

By Mr. COOPER: Petition of the board of directors of the Janesville (Wis.) Commercial Club, favoring an amendment to the Stanley bill (H. R. 23133) so as to exclude lumber products; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: Petition of sundry citizens of the State of Washington, with reference to land grants to the Oregon & California Railroad Co.; to the Committee on the Public Lands.

By Mr. WALLIN: Petition of the Rotterdam Junction (N. Y.) Local, Socialist Party, favoring an investigation of the trial and sentence of Alexander Scott, of Passaic, N. J.; to the Committee on the Judiciary.

Also, papers to accompany bill for the relief of Cathrine E. Morris; to the Committee on Claims.

By Mr. YOUNG of North Dakota: Petition of sundry merchants of the second congressional district of North Dakota, favoring a change in the interstate-commerce laws of the United States relative to selling goods by mail directly to the consumers: to the Committee on the Judiciary.

SENATE.

SATURDAY, *June 28, 1913.*

The Senate met at 2 o'clock p. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we have come to the closing day of this week with a record left behind us not only in the history of this great Nation but as it enters into the individual life of the citizenship of the Nation, a record which Thy servants in the Senate must also meet at the final judgment.

We pray Thee to forgive all Thou hast seen wrong, correct all mistakes that we have made, and overrule all human blunders. Give to us as never before a willingness to follow the divine guidance in the discharge of every duty and a supreme passion to bring about the accomplishment of Thy will in this great land. And as we face the coming day with its holy memories and its sacred associations, give us the spirit of God on the Lord's day that we may learn better than ever before what is the will of God, and have the grace to follow it. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 2272) providing for an increase in the number of midshipmen at the United States Naval Academy after June 30, 1913.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 1917) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, and it was thereupon signed by the Vice President.

PETITIONS.

Mr. GALLINGER presented petitions of Abbott H. Thayer and Gerald H. Thayer, of Monadnock, N. H., and E. C. McCollum, of the University of Wisconsin, Madison, Wis., praying for the adoption of the clause in Schedule N of the pending tariff bill prohibiting the importation of the plumage of certain wild birds, which were referred to the Committee on Finance.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 2656) to correct the military record of Thomas Smith; to the Committee on Military Affairs.

A bill (S. 2657) for the relief of William S. McCornick; and

A bill (S. 2658) for the relief of Lewis B. McCornick; to the Committee on Public Lands.

ADJOURNMENT TO WEDNESDAY.

Mr. SIMMONS. Mr. President, I move that the Senate adjourn until 2 o'clock p. m. on Wednesday next.

The motion was agreed to; and (at 2 o'clock and 5 minutes p. m.) the Senate adjourned until Wednesday, July 2, 1913, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 28, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal and ever-living God, our heavenly Father, we thank Thee for the sublime faith and eternal hope which through all the vicissitudes of the past have moved men toward the higher ideals and made them heroes in the common duties of life. Increase our faith, brighten our hopes, that with unselfish devotion and earnest endeavor we may increase our efficiency and render unto Thee and our fellow men faithful and devoted service. In Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

BUSINESS OF THE HOUSE.

Mr. UNDERWOOD. Mr. Speaker, if it is agreeable to both sides of the House, next week being the week in which the Fourth of July occurs, and many Members of the House desiring to be